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Date: July 10, 2017

To: Planning Commission

From: James Reitz (AICP), Senior Planner
Dan Riordan, Senior Planner
Jon Holan, Community Development Director

Re: Code Update Work Session

Attached is Draft #1 of possible amendments to the Development Code. The primary focus of this effort is to address the deficiencies of the Planned Development section. Other possible amendments are being suggested in order to improve internal consistency and cross-referencing, address some aspects of affordable housing, and update the Development Code to be compliant with current State statutes.

Following this meeting, the draft will be revised as per the Commission's direction. Depending on the extent of those revisions, the draft will either be further reviewed in another work session, or scheduled for public hearing.

The proposed amendments include –

Page 1 - Clarifying that the deadline for a planned development is different than that required for most land use permits. At present, subdivisions and planned developments have two different deadlines, and when a subdivision is also a planned development, it is unclear which deadline should be applied. A planned development approval is good for 3 years (DC §10.4.220(D) while a subdivision approval is good for 2 years (DC §10.6.120). This amendment would extend the subdivision approval to 3 years, if it is also a planned development.

Page 2 - Final plans for planned developments are reviewed using a Type I process. This amendment would include this action in the list of Type I applications. At present, the review is listed as a Type II process, which would require further notice to affected parties, even though the application would have already been reviewed and approved by the Planning Commission.

Page 3 - Because an adjustment of 10% or less is so small, staff is suggesting that such requests be reviewed as a Type I application (staff review without notice).

Page 3 - "Height" is listed as being eligible for a 10% adjustment, but is not listed at all for a potential 20% adjustment. This amendment would correct what appears to be an oversight.

Page 4 - Target density in the RMH zoning district is proposed to increase from 20.28 to 30.00 dwelling units per acre. The City has received testimony in several applications about the need to increase density to make apartment development more feasible.

Page 4 - With the adoption of the new mixed use zones, Table 3-3 would be updated to reflect the allowable residential density in each. A further amendment would allow an applicant to increase density in the RMH zoning district up to 50.00 dwelling units per acre for affordable housing.

Page 5 - Related to the above, this amendment would create a Density Bonus category for affordable housing.

Page 5 - At present, accessory structures are allowed to be as tall as a lot's primary structure. This has resulted in some accessory structures at or near the heights of the primary structure. When the structure is also an accessory dwelling unit, the result can be a kind of "watchtower" over the rear yards of the adjoining homes, which some abutting residents have found objectionable.

Page 6 - Table 3-10 would be amended to clarify that Marijuana Processing and Production is not permitted in any of the Commercial or Neighborhood Mixed Use zoning districts.

Page 6 - Table 3-10 Footnote #19 would be added to allow increased residential density in the Community Commercial zoning district, if a project meets the criteria for the Density Incentives listed in Tables 7-2 and 7-3.

The following are suggestions to amend the Planned Development section.

Page 6 - Undergoing a Planned Development review process would be required if a site is greater than 2 acres in area and had an average slope of 20% or more.

Page 6 - The Purpose statement would be amended to add that a PD is not intended as a work-around to avoid DC requirements.

Page 6 - The Purpose statement would be amended to add that a PD is intended to promote flexibility if the intent is to preserve natural features (like a grove of trees, creeks, ponds, etc.) or a view corridor.

Page 6 - The Purpose statement would be amended to ensure that a PD provides both a variety and mixture of building types and architectural styles, rather than have similar types and styles clustered together.

Page 7 - No amendments proposed.

Page 8 - The Base Zone Standards section would be expanded to stipulate that a PD must be warranted, and that exceptions to Development Code standards must be clearly and specifically identified and justified.

Page 8 - The Calculation of Density section would be amended to cite the specific relevant code section noted.

Page 8 - The Multiple Base Zone section would be amended to clarify that the residential density over the entire project site could be allocated over the entire project site, and not confined within the underlying zoning districts.

Page 8 - The Housing Types Allowed section would be amended to require a mixture of housing types in the RMH and RML zones, to ensure that PDs proposed in those zoning districts would not be exclusively single-family detached.

Page 8 - A new Architectural Pattern Book section would be added to provide more information to the City and to the eventual builder about the design elements required.

Page 8 - The Building Setback section would be amended to stipulate that the garage setback requirement is one dimension that may not be modified in a PD; and that no projections including roofs or foundations are permitted in the front yard utility easement.

Page 9 - A new section would be added to ensure that a PD's perimeter yard is as required by the underlying zoning district (i.e., reduced rear yard setbacks would not be permitted in those areas).

Page 9 - The Open Space section would be amended to reduce the area required from 40% to 20%. The Planning Commission would have explicit authority to determine whether the proposed open space was satisfactory.

Page 9 - A new section would be added to stipulate that Street Standards could not be modified in a PD.

Page 10 - No amendments proposed.

Page 11 - The Phased PD section would be amended to require a phasing plan for any project that would take more than 24 months to complete.

Page 11 - The Time Limit section would be amended to establish an absolute time limit of 5 years between tentative plat approval of the first and final phase.

Page 12 - No amendments proposed.

This ends suggested amendments to the Planned Development section. Following are additional proposed amendments addressing a variety of issues.

Page 13 - The Solar Access section would be amended to include provisions for existing conditions. Similar language was included in the original Solar Access Ordinance in effect from 1989 to 2009, but was not included when the current Development Code was adopted.

Page 14 - The Off-Street Parking requirement for self-service storage facilities would be reduced from 1 per 4 storage units to 4 stalls at the office. An additional space would be required if there is an on-site residence.

Page 14 - The proposed language of the Dwelling Diversity Standard was originally in the Land Division Ordinance in effect until 2009. The current language allows replication up to 5 times along a block face, with no overall cap on the number of replications throughout a project. The LDO also established a cap of 10% replication over the entire project site. Staff is suggesting a return to the LDO text (or some derivation thereof) because there has been an increase in the number of replicated house plans submitted since the current code language was adopted.

Page 14 - The Common Recreation Areas section is proposed to be deleted because it has failed to achieve its intent. This section was added to the Land Division Ordinance to require open space in a standard subdivision. While open space tracts have been set aside, none have been developed as recreational areas; they are just grass or gravel.

Page 15 - The Day Care definitions would be revised to reflect a change in a State statute that now allows up to 16 children in a day care facility; City code limits the number to 12, resulting in the need for a conditional use permit.

Page 15 - The Density definition would be amended to clarify how density calculations are rounded.

APPLICATION PROCESS AND PROCEDURES

§10.1.130 WHEN LAND USE PERMITS ARE REQUIRED

Land use permits are required when a development or lot line adjustment as defined by this Code is proposed unless exempted under specific provision. However, exempt activities and developments may be subject to other applicable provisions of the Code. When a land use permit is required, then:

- A. No person shall initiate a development until a land use permit has been approved.
- B. The City shall not issue any other permit for the development until the land use permit has been approved. Concurrent review of building permit applications and other applications related to the land use permit are allowed under the following conditions:
 - 1. Final approval of building and other permits are not allowed without land use permit approval; and
 - 2. The applicant acknowledges the risk that a land use permit may be denied, the land use permit could change, and/or the outcome of the land use permit could alter other permit requirements.
- C. A land use permit shall not be approved for the division, improvement, or use of land that has been divided or otherwise developed in violation of this Code unless the violation is corrected prior to or concurrent with issuance of a land use permit.
- D. No action may be taken in reliance upon a decision approving a land use permit until all applicable appeal periods have expired or while an appeal to a City review body is pending.
- E. A land use or building permit that would allow for the construction of a structure shall not be issued unless all applicable and needed services including vehicular access, power, sewerage, domestic and fire water supply and storm water drainage are available to the site where the structure is to be built. This provision does not apply to permits for a structure that do not require such services (such as a storage shed).
- F. All land use permits, with the exception of a subdivision **or a planned development**, shall expire one year from the date of issuance unless:
 - 1. Substantial construction or operation of the development has begun within that time and has continued toward final completion; or
 - 2. Development is proceeding in accordance with an approved phasing plan; or
 - 3. A written extension is granted by the Director under the Type I review process.
- G. A subdivision is subject to the following time limits:
 - 1. The tentative plat for a subdivision expires two years after the date of approval unless:
 - a. Application for the final plat has been filed with the City; or
 - b. A time extension is approved pursuant to §10.1.135; or
 - c. The tentative plat has been approved with a phasing plan consistent with the provisions of §10.6.005(D); **or**
 - d. **The tentative plat, or an independent phase thereof, has been filed and processed concurrently with a Planned Development pursuant to §10.4.200**

et. seq. in which case the tentative plat approval period is valid for three (3) years, pursuant to §10.4.220(D). The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases. A phased PD shall not exceed five years between tentative plat approval of the first and final phases.

2. The final plat for a subdivision shall be recorded within one year after the plat has been submitted to the City.

TYPE I PROCESS – ADMINISTRATIVE DECISIONS

§10.1.405 TYPE I APPLICATIONS AND APPROVAL CRITERIA

Applications so designated throughout the Development Code are reviewed under the Type I process, based on the requirements and criteria set forth for each application in other sections of this Code. Examples of actions subject to a Type I application and review process include:

- Certain types of Zoning Standard Adjustments
- Certain projects within an approved Master Plan
- Tree Permit
- Lot Line Adjustment
- Final partition plat
- Final subdivision plat
- **Final plan for planned development**
- Accessory Dwelling Units
- Certain Bed and Breakfast Inns
- Home Occupations
- Certain types of Wireless Communication Facilities
- Landscape Review not subject to Site Development or Design Review
- Parking Plan not subject to Site Development or Design Review
- Existing and New Signs

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type I applications, shall be processed as a Type I application.

TYPE II PROCESS – LIMITED LAND USE DECISIONS

§10.1.505 TYPE II APPLICATIONS AND APPROVAL CRITERIA

Applications so designated throughout the Development Code are reviewed under the Type II process, based on the requirements and criteria set forth for each application in other sections of this Code. Examples of these applications include:

- Certain types of Zoning Standard adjustments
- Minor Modification to a Conditional Use Permit

- Certain type of Design Review
- Site Development Review
- Certain projects within an approved Master Plan
- ~~Final Plan for Planned Development~~
- Tentative partition plat
- Tentative subdivision plat
- Adjustments to public improvement requirements

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type II applications, shall be processed as a Type II application.

ADJUSTMENT

§10.2.110 PROCEDURE

- A. Requests for changes of less than 10% of the setback, height, or lot coverage standard shall follow the Type ~~II~~ **I** process.
- B. Requests for changes from 10%-20% of the setback, **height** or lot coverage standard shall follow the Type II process.
- C. Requests for changes to standards other than setback, height, or lot coverage, or which are for more than 20% of the setback, height, or lot coverage standard are processed as variances under §10.2.700.

10.2.120 REVIEW CRITERIA

- A. Type I Adjustment Process
 1. The requested adjustment is for less than 10% of the setback, height or lot coverage standard; and
 2. Granting adjustment shall be consistent with the purpose of the affected zoning.
- B. Type II Adjustment Process
 1. The requested adjustment is from 10%-20% of the setback, **height** or lot coverage standard;
 2. Granting the adjustment will be consistent with the purpose of the affected zoning district or meet or exceed the purpose of the standard to be modified;
 3. If in a residential zone, the adjustment will not significantly detract from the livability or appearance of the residential area. If in a commercial or industrial zone, the adjustment will be consistent with the desired character of the area;

4. If more than one adjustment is requested, the cumulative effect of the adjustments shall result in a project which is consistent with the overall purpose of the zone; and
5. Any impacts resulting from the adjustment are mitigated to the extent practical.

RESIDENTIAL ZONES

§10.3.110 LIST OF RESIDENTIAL ZONES

F. Residential RMH

The RMH zone is intended for development at a target density of ~~20.28~~ **30.00** dwelling units per net acre. Multi-unit residential buildings will be the predominant housing type in this zone. RMH zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

§10.3.130 RESIDENTIAL AND NEIGHBORHOOD MIXED USE ZONE DEVELOPMENT STANDARDS

TABLE 3-3: Residential and Neighborhood Mixed Use Zone Density Standards

Zoning District	Average Lot Size	Target	Minimum	Incentive ^{‡[1]}	Bonus
SR	43,560 square feet	1.00	0.80	1.20	--
R-10	10,000 square feet	4.35	3.48	5.22	--
R-7	7,000 square feet	6.22	4.98	7.15	--
R-5	5,000 square feet	8.71	6.97	10.02	--
RML	--	12.00	9.60	13.80	--
RMH	--	20.28 30.00	16.22 24.00	23.32 34.50	50.00^[2]
NMU – David Hill	--	12.00	9.60	13.80	--
NMU – Gales Creek	--	8.71	6.97	10.02	--
NMU - Davidson	--	12.00	9.60	13.80	--
Density = dwelling units / NET ACRE Minimum Density = 80% of Target Incentive Density = 115% of Target except for SR and R-10, which is 120% of Target					

Footnotes:

[‡][1] Only allowed a part of a Planned Development (see §10.4.200)

[2] **Bonus density in the RMH zoning district may be increased only for affordable housing as defined in §10.7.410 Table 7-2.**

§10.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

B. Calculating Potential Densities

The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.

1. The Target Density is permitted outright.
2. The Minimum Density is required to ensure:
 - a. Land is being used at the appropriate intensity planned for the area;
 - b. Enough dwelling units can be developed to accommodate the projected need for housing; and
 - c. Compliance with the Metro Functional Plan.
3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public ~~and/or provide affordable housing~~. Incentive Density is only allowed as part of a Planned Development (see §10.4.200).
4. **A Density Bonus is earned if a project provides affordable housing as defined in §10.7.410 Table 7-2. The Density Bonus for affordable housing does not require approval as a Planned Development.**

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, R-10, R-7, R-5 and RML Zones are limited to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is less. **Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.**

COMMERCIAL AND MIXED USE ZONES

§10.3.320 USE REGULATIONS TABLE 3-10

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[2] [19]	P/L ^[15]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L ^[3]	L ^[3]	L ^[3]

Bed and Breakfast	L ^[4]	P	L ^[4]
<u>INDUSTRIAL</u>			
Manufacturing and Production:			
- Light Industrial	N	C ^[11]	N
- General Industrial	N	N	N
- Medical and Recreational			
Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.
- [19] Residential density may be increased pursuant to §10.7.410 Tables 7-2 and 7-3.

PLANNED DEVELOPMENTS

§10.4.200 PURPOSE

The purpose of the Planned Development (PD) provisions is to provide greater flexibility in the development of land for residential, commercial or industrial purposes than allowed by the conventional standards of the Development Code. **For residential sites over two (2) acres that have an average slope greater than 20%, development is allowed only through approval of a planned development (see §10.3.130 Table 3-4).**

A PD is not intended to be simply a means of avoiding normal Development Code requirements. The PD provisions are intended to:

- A. Promote flexibility and innovation in site design and permit diversity in the location of structures **in order to preserve natural features and view corridors;**
- B. **Promote innovative and creative design by providing a variety and mixture of building types and architectural styles;**
- C. Promote efficient use of land and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities when compared with conventional development patterns;
- D. Preserve to the greatest extent possible existing landscape features and amenities **such as trees, creeks, ponds, floodplains, hills and similar natural assets**, and incorporate such features into the design of the PD;
- E. **To encourage the provision of open space and recreational facilities in a generally central location and within reasonable walking distance of all living units in residential planned developments;**

- F. Combine and coordinate architectural styles, building forms and building relationships within the PD; and
- G. Provide the applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the City with assurances that the project will retain the character envisioned at the time of approval.

§10.4.205 PROCEDURES

A planned development is reviewed through a two-step process.

- A. Preliminary plan. The preliminary plan is reviewed under Type III procedures. The preliminary plan review examines the PD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan approval will only be granted when there is a reasonable certainty that the PD will fulfill all applicable requirements of the City Codes.
- B. Final plan. The final plan for the PD is reviewed under Type II administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.
- C. Concurrent land division. A PD may be filed and processed concurrently with a partition or subdivision application. All of the submittal requirements and review standards of Article 6 will apply to a concurrent PD/land division request. The tentative plat will be combined with the preliminary PD review and the final plat will be combined with the final PD review.
- D. Site development/design review. The PD approval may remove the requirement for subsequent site development or design review of individual buildings, if the PD includes building elevations and sufficient information to demonstrate compliance with the applicable site development/design review standards. The PD decision shall expressly state whether individual buildings within the PD (such as commercial or multifamily buildings) require site development or design review approval.

§10.4.210 PROFESSIONAL DESIGN TEAM REQUIRED

The PD applicant must certify, in writing, that a member of each of the following professions will be used in the planning and design process for the proposed PD:

- A. A licensed architect or professional urban designer.
- B. A licensed landscape architect, a certified nurseryman, or landscape designer approved by the Director.
- C. A registered civil engineer or land surveyor.

One of the above professionals shall be designated by the applicant to act as a liaison between the Community Development Department, the design team, and the applicant during the two-step PD review process. The Planning Commission or City Council may require the expertise of other professionals on the design team if it is determined that the site merits special consideration to unique or adverse features or conditions.

§10.4.215 PD DEVELOPMENT STANDARDS

- A. Base Zone Standards. The development standards of the base zone apply unless they are superseded by the standards of this section or the PD approval. **Exceptions from the standards of the underlying zoning district must be warranted based on the unique design and amenities incorporated into the development plan, and shall have a beneficial effect which could not be achieved using the standards of the underlying zoning district. Exceptions shall be clearly and specifically identified in the application, which shall also include an explanation justifying and substantiating the need for each exception.**
- B. Site Size. There are no minimum or maximum size limitations for a PD.
- C. Calculation of Density. The number of dwelling units allowed in residential zone PDs shall be calculated on the basis of **§10.3.130(A) Table 3-3** ~~in Article 3~~. All residential development shall be at a minimum of 80% of the target density for the parent zone. A request for incentive density may be approved for the PD, based on the criteria in §10.3.130(E).
- D. Multiple Base Zones. When a proposed PD site includes more than one base zone, the uses **and residential density** may be allocated throughout the site without regard to zoning boundaries.
- E. Lot Sizes. There are no required minimum lot sizes.
- F. Housing Types Allowed. Housing types in zones that allow residential uses are not restricted in the PD, **except that housing types in the RML and RMH zones shall include a mixture of single-family, duplex or multi-family units.**
- G. Architectural Pattern Book. In residential PDs, a variety of architectural styles shall be required. For all PDs, a compendium of architectural elevations, details and colors of each building type shall be submitted. The pattern book shall act as the architectural control for the homeowner's association or the commercial owner. The pattern book shall include the following:
1. An explanation of how the pattern book is organized, and how it is to be used.
 2. Definitions of specific standards for architecture, color, texture, materials, and other design elements.
 3. A checklist system to facilitate review of the development for conformity with the pattern book.
 4. Information for each building type including:
 - a. Massing, facades, elevations, roof forms, proportions, materials and color palette.
 - b. Doors, windows and siding, including sash and trim details.
 - c. Porches, chimneys, light fixtures and any other unique details, ornamentation or accents.
 - d. Illustrations of elevations and floor plans.
 - e. A fencing plan with details that addresses the relationship between public and private space, and between the PD site and abutting property.
- H. Height. The height limits of the base zone apply.
- I. Building Setbacks. Building setbacks are established as part of the preliminary development plan approval. **Garage setbacks shall be a minimum of 20 feet. No building projections**

(roofs or foundations) shall be permitted in the front yard public utility easement required by §10.8.905(E)(1).

- J. **Peripheral Yards.** Along the boundary of any PD, a yard at least as deep as that required in the underlying zone district shall be provided.
- K. **Open Space.** ~~In residential zones, a~~ At least ~~40%~~ **20% of the buildable portion** of the PD not in streets and driveways must be devoted to open space. ~~In nonresidential zones, at least 20% of the PD not in streets and driveways must be devoted to open space.~~ At least half of the open space ~~in all zones~~ must be in common ownership and at least half of that space **must** be contained in one tract. The tract's configuration shall be 45% of the site's overall length and width with a minimum dimension of 20 feet. **The extent to which any type of open space satisfies the total open space requirement shall be in the sole discretion of the City.**
- L. **Parking.** The base zone parking requirements apply. Common parking and maneuvering areas must be set back at least twenty (20) feet from the boundary of the PD.
- M. **Water Features.** Water features such as streams or ponds must be left in a natural state unless altered to improve the natural values of the water feature or to improve storm water drainage. Water features and their edges should be kept in common ownership.
- N. **Facilities and Services.** It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PD. Service facilities such as streets, water supply facilities, sanitary sewers, and storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PD. However, the review body may approve private service facilities with the consent of the appropriate service provider.
- O. **Development Regulations and Design Standards not Subject to Modification.** **The PD process cannot be used to vary or take an exception from the Street Standards listed in §10.8.610.**
- P. **Underground Utilities.** All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.
- Q. **Construction to Standards.** All service facilities dedicated to the public must be constructed to City standards.

All private service facilities must be designed by a qualified civil engineer to City standards or comparable design life as determined by the City Engineer.

- R. **Building Size Standards.** For areas designated as Planned Shopping Center by the Comprehensive Plan, commercial retail is limited to 20,000 square feet and commercial office is limited to 10,000 square feet.

§10.4.220 PRELIMINARY PLAN REVIEW

- A. **Procedure.** Preliminary plan reviews are processed through a Type III procedure.
- B. **Submittal Requirements.** Applications for a preliminary plan review must contain the information stated below in addition to that required by §10.1.225.

1. General statement. A statement of how the purpose of §10.4.200 will be achieved by the proposed PD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the PD will relate to surrounding land uses and whether other land use reviews are requested.
2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, non-residential uses, open areas, streets and parking; the number and type of housing units; the amount and type of commercial or industrial areas, if any; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.
3. Drawings of existing site conditions. A drawing or drawings must be submitted which display and inventory existing site conditions including the items listed below.
 - a. Ground elevations shown with contour lines at two (2) -foot intervals or less.
 - b. Areas of moderate or severe landslide potential, as identified on City maps or documented by an engineering geologist or geotechnical engineer.
 - c. General soil types as identified on City maps or as documented by an engineering geologist or soils engineer.
 - d. Existing natural features, including rock outcroppings, trees and tree groves, fish and wildlife habitats, ponds, wetlands, and watercourses.
 - e. Existing on-site or abutting sanitary sewage, storm drainage, and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.
 - f. Width, location, and purpose of all existing easements of record on or abutting the site.
 - g. A description of the traffic circulation system on or abutting the site, including street sizes, level of improvements, and condition of the streets.
 - h. A description of areas abutting the PD, indicating zoning districts, land uses, densities, circulation systems, public service facilities, natural features, and approximate locations of nearby structures.
 - i. Any additional information about existing site conditions required for a concurrent subdivision application.
4. PD Site Plan. The site plan must include the information stated below.
 - a. Setbacks for houses and the placement and bulk of other buildings.
 - b. The traffic circulation system, including connections to existing public rights-of-way, off-street parking, and the ownership of streets and parking areas.
 - c. Conceptual plans for pedestrian and bicycle circulation systems.
 - d. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained.
 - e. Conceptual plans for all facilities for the control and disposal of storm water and groundwater.
 - f. Conceptual plans for the location and design of public and private open areas or structures.
 - g. Treatment proposed for the periphery of the site, including the approximate amount, location, and type of any required landscaping.

- h. Conceptual guidelines for multi-family and commercial structures, including such things as building heights, sizes, areas, roof shapes, exterior materials, and types of parking areas.
- 5. Phased PDs. PDs being developed in phases require a description of each phase, including the size, uses, ~~and~~ timing, **and infrastructure phasing. Any PD which will require more than twenty-four (24) months to complete shall be constructed in phases. Each phase shall conform to the phasing plan.**
- 6. Drawings. Drawings showing the existing site conditions and the proposed site plan must be at a reasonable size and scale to clearly show all required information. The drawings must display the following:
 - a. Name of the proposed PD;
 - b. Date, north arrow, and scale of the drawing;
 - c. Legal description of the PD sufficient to define its location and boundaries;
 - d. Names, addresses, and telephone numbers of the owner, applicant, and design team;
 - e. Appropriate identification of the drawing as a preliminary plan.
- C. Approval Criteria. The preliminary plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
 - 1. The plan fulfills the purpose for PDs stated in §10.4.200;
 - 2. The plan meets the submittal requirements of §10.4.220(B);
 - 3. Adequate public services exist or can be provided to serve the proposed PD; and
 - 4. Where a tentative subdivision plat is requested, the requirements of Article 8 are met.
- D. Time Limit. Preliminary plan approval is valid for three (3) years and may not be extended. The three (3)-year period will not begin until any appeals beyond the jurisdiction of the City are completed. Within the three (3) year time period, the applicant must submit a final development plan for the entire site, or for the first phase if the PD has been approved for phased development. The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases. **A phased PD shall not exceed five years between tentative plat approval of the first and final phases.**

§10.4.225 FINAL PLAN REVIEW

- A. Final Plan Submittal. The applicant must present detailed plans, which meet the public facility standards of the City. The applicant must present other plans or studies required by the preliminary approval, such as a grading plan, soils engineer report, or detailed landscaping plans.
- B. Procedure. The final plan is reviewed under Type II procedures.

- C. Requirements. The final development plan will be approved if it meets the requirements stated below and is in substantial conformance with the approved preliminary plan and any conditions of the approval.
1. Drawing quality. The final development plan must be drawn clearly and legibly at a size and scale that clearly shows all required information. The plan must be identified as the final PD plan.
 2. Additional information on the final plan. In addition to the information required on preliminary drawings or otherwise specified by law, the following information must be shown:
 - a. Reference points of identified existing surveys by distances and bearings, and referenced to field book or map, including stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the PD;
 - b. The location and width of streets and easements intercepting the boundary of the PD;
 - c. Easements and storm water drainage reserves must be clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement within the PD must be shown. If the easement is being dedicated by the plan, it must be properly referenced in the owner's certificates of dedication; and
 - d. Identification of land to be dedicated to the public.
 3. Additional certificates or drawings. The items stated below may be combined where appropriate.
 - a. A certificate signed and acknowledged by all parties having any recorded title interest in the land and consenting to the preparation and recording of the PD.
 - b. A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.
 - c. A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.
 - d. A certificate with the seal of, and signed by, the surveyor responsible for the survey.
 - e. Other certificates required by law.
 - f. A copy of any deed restrictions applicable to the PD.
 4. Detailed design plan for the PD site. A detailed design plan for the PD is required and must include the items stated below.
 - a. The location of proposed buildings and structures, parking areas and, where applicable, the location of allowable building areas of individual lots.
 - b. All building setback lines and height limits that are to be made part of the PD restrictions.

- c. The location and type of proposed buildings, structures, or improvements in common open areas.
 - d. The location and design information for all proposed streets as required by Article 8.
 - e. A plan for water mains and fire hydrants.
 - f. A plan for sanitary sewage disposal.
 - g. A plan for storm water drainage.
 - h. A plan for additional improvements such as walkways and street lighting.
 - i. Required solar-related information if the PD is also subject to the solar regulations for new subdivisions.
5. Landscaping. A landscaping plan for common open areas, the perimeter of the PD, and other landscaped areas is required.
- a. The plan must show areas that the applicant proposes to retain in natural vegetation. The plan must show the areas, sizes, numbers, and types of plant and other materials to be used for all landscaped areas.
 - b. The plan must address the revegetation of common open areas and perimeter areas disturbed during construction.
 - c. The plan must include a proposed schedule for required perimeter landscaping. A performance guarantee is required if the landscaping cannot be completed prior to the occupancy of buildings, or cannot be completed when required by the conditions of approval.
6. Geotechnical engineer's report. A geotechnical engineer's report consistent with the requirements of §10.8.310 must be submitted if the PD is in a moderate or severe landslide area, or if the report was required as a part of the preliminary approval. The City Engineer or the Building Official must approve the report.
7. CC & Rs. The Declaration of Covenants, Conditions, and Restrictions (CC & Rs) for the PD must be submitted. In addition, any other legal instruments for the protection and maintenance of common open areas, private streets, and private utilities if any, must be submitted. These legal instruments must be approved by the City Attorney to ensure that the City's interests are protected.
8. Concurrent subdivision approval. Simultaneous final plat approval is permitted.

SOLAR ACCESS

10.5.420 EXEMPTIONS FROM DESIGN STANDARDS.

A development is exempt from §10.5.415 if the approval authority finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from §10.5.415 to the extent the approval authority finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with §10.5.415.

- A. Slopes.
- B. Off-Site Shade.
- C. On-Site Shade.
- D. Existing Conditions.

1. There is a significant natural feature on the site that prevents given streets or lots from being oriented for solar access, and that will continue to exist after the site is developed; or
2. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable street standards or street plans in a way that prevents given streets or lots in the development from being oriented for solar access; or
3. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

OFF-STREET PARKING AND LOADING

§10.8.515 OFF-STREET PARKING REQUIREMENTS – TABLE 8-5

LAND USE	MINIMUM REQUIRED	MAX – ZONE A	MAX – ZONE B
Self-Service Storage	1.0 / 4 storage units 4.0 at office	1.0 / 4 storage units None	1.0 / 2 storage units None

OTHER DEVELOPMENT REVIEW STANDARDS

§10.8.880(C)(3) Dwelling Diversity Standard. ~~Front elevations shall not be replicated more than five (5) times along a block face on both sides of a street segment. This standard can be met through the Conditions, Covenants and Restrictions of the subdivision. For this section, the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim and paint changes.~~

Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes. (Source: 1980-2009 Land Division Ordinance §9.110(3)(i) Diversity Requirement)

LAND DIVISION STANDARDS

§10.8.905 STANDARDS

(F) Lots, Parcels and Common Areas

7. ~~Common Recreational Areas.~~ Common recreational areas are encouraged for all subdivisions, and shall be required for all subdivisions of twenty (20) or more lots. Public park dedication can satisfy this requirement. Where appropriate, recreational areas shall be connected to the natural resource areas discussed above.

DEFINITIONS

§10.12.120 CIVIC USE CATEGORY

F. Day Care: As defined by Oregon Revised Statute:

1. Day care facility. A facility that provides day care for up to ~~twelve (12)~~ **sixteen (16)** children, not including resident children.
2. Day care institution. A facility that provides day care for more than ~~twelve (12)~~ **sixteen (16)** children.

§10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

- D1. Density. The intensity of residential land uses, usually stated as the number of housing units per net acre.
- a. Gross Density. The number of residential dwelling units per acre based on the area of the site found inside the parcel boundary. This includes the building lots, parking and driving areas, sidewalks, public right-of-ways, public and private streets and common driveways, public and private open space areas, and other tracts intended for public use.
 - b. Net Density. The number of dwelling units per acre based on the net site acreage, which does not include rights-of-way through or on the edge of the site, environmentally constrained areas, or land intended for public ownership such as park and open space uses.
 - c. Bonus Density. Density bonuses either are granted by the Planning Commission and/or City Council to the developer, to have an overall ratio of dwelling units to the planned development site area greater than would be allowed for a conventional development in the same location; or are applied pursuant to §10.7.400.
 - d. **For density calculation purposes, the final number shall be rounded down to the next whole number if the calculation is less than or equal to 0.49 and rounded up to the next whole number if the calculation is greater than or equal to 0.50.**



Subdivision, Variances and Property Line Adjustments Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE: July 7, 2017

HEARING DATE: July 17, 2017

LAND USE REQUEST: An 8-lot subdivision and water quality tract; property line adjustments; and easement and setback variances

FILE NUMBER: 311-17-000010-PLNG

FILE NAME: Smith Orchard

PROPERTY LOCATION: 2307 & 2311 Gales Way; and 2332 "B" Street

OWNERS/APPLICANT(S): Applicant: Homestead Development Corporation (Ron Guillory), PO Box 12, Hillsboro, Oregon 97123
Property Owners: David and Marilyn Turnbull, 3897 SE Ash Street, Hillsboro, Oregon 97123
Applicant's Representative: NW Land Planning (Trisha Clark), PO Box 230121, Tigard, Oregon 97281

COMPREHENSIVE PLAN AND ZONING DESIGNATIONS: Comprehensive Plan Map Designation: Medium Density Residential – MDR

Base Zone Designation: RML Multiple Family Residential – Low Density

HISTORIC DISTRICT Walker – Naylor National Register Historic District

APPLICABLE STANDARDS AND CRITERIA: City of Forest Grove Development Code:
§10.2.100 et. seq. *Adjustments*
§10.2.700 et. seq. *Variances*
§10.3.100 et. seq. *Residential Zones*
§10.5.220 et. seq. *Historic Landmarks*
§10.6.095 et. seq. *Subdivisions*
§10.8.600 et. seq. *Public Improvements*
§10.8.900 et. seq. *Land Division Standards*

REVIEWING STAFF: James Reitz (AICP), Senior Planner

RECOMMENDATION: Staff recommends approval with conditions

I. LAND USE HISTORY

The application site has been the subject of several development proposals, the most recent being a proposed planned residential development in 2006. That project did not move forward due in part to the economic downturn beginning in 2008. Project approval ultimately expired.

Three actions are now before the Planning Commission:

1. Approval of lot line adjustments; and
2. Approval of variances; and
3. Approval of a subdivision.

Lot line adjustments are generally reviewed using a Type I process, while subdivisions are generally reviewed using a Type II process. However, because variances are reviewed using a Type III process, all related actions also are subject to the Type III process, as stipulated in Development Code (DC) §10.1.205 *Consolidated Review*.

Public notice was mailed to property owners and residents within 300 feet of the site on June 26, 2017, as required by DC §10.1.610. Notice of this request was also published in the *News Times* on July 12, 2017. Copies of the application materials were provided to the Plans Review Board. Comments from the PRB are incorporated into this report. To date, one written response and one phone inquiry has been received from the public.

II. ANALYSIS

- A. DESCRIPTION OF PROPOSAL:** The applicant is proposing to develop an 8-lot subdivision along with a water quality tract. The new lots would take access from a new public street (referred to in the application materials as both Turnbull Court and 23rd Court. The applicant has indicated that Turnbull Court is preferred, and this report will use that reference).

The applicant would develop the subdivision and then market the lots to one or more homebuilders. All homes are proposed to be single-family detached. Three existing single-family home sites would be incorporated into the project, located at 2307 and 2311 Gales Way, and 2332 "B" Street. Of the three lots, the parcel at 2307 Gales Way is the largest (0.94 acres) but lot line adjustments are being proposed to reconfigure all three lots so as to create a larger development site.

Variances are being requested in order to reduce the width of one public utility easement and several yard setbacks:

- Reduction of the public utility easement width from 10 feet to about 4.50 feet over 2311 Gales Way where it would abut the Turnbull Court right-of-way.
- Reduction of the side yard setback from 14 feet to about 4.50 feet for the home at 2311 Gales Way abutting the new Turnbull Court right-of-way.
- Reduction of the side and rear yard setbacks from 5 feet to 3 feet for the accessory structure located on 2307 Gales Way.
- Reduction of the side yard setback from 5 feet to about 3.60 feet for the home at 2332 "B" Street where it would abut the new water quality facility.

Each will be addressed later in this report.

Lot areas would range from 3,743 square feet (lot 8) to 6,236 (lot 4). The lot at 2332 "B" Street (lot 5) would be reduced to 5,106 square feet through a lot line adjustment. Average lot area of the new lots (not including lot 5) would be approximately 4,490 square feet. The site is located in the RML zoning district, which requires a minimum single-family lot size of 3,500 square feet. All proposed lot areas would exceed the minimum requirement.

- B. SITE EXAMINATION:** The site is irregularly-shaped, with limited frontage on both Gales Way and "B" Street. It consists of three parcels and has a gross area of 1.42 acres. Three homes are extant and will remain. One detached garage at 2311 Gales Way would be removed. The balance of the site is open field with a scattering of trees. It slopes downward to the northeast.

C. EXISTING COMPREHENSIVE PLAN DESIGNATION AND ZONING OF SITE AND AREA:

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Project Site	Medium Density Residential (MDR)	Multi-Family Residential (RML)	Single-Family Residential and Vacant
North	Medium Density Residential (MDR)	Multi-Family Residential (RML)	Duplexes (Covey Run)
South	Medium Density Residential (MDR)	Multi-Family Residential (RML)	Single-Family Residential
East	Medium Density Residential (MDR)	Multi-Family Residential (RML)	Single-Family Residential
West	Medium Density Residential (MDR) and Single-Family Residential - Medium (SFR-A)	Multi-Family Residential (RML) and Single-Family Residential (Medium Density) (R-5)	Single-Family Residential

- D. DENSITY:** The site presently totals 1.42 gross acres of land. After the lot line adjustments, the gross area would be 1.12 acres. Net area (gross area less the Turnbull Court right-of-way and water quality tract) would total 0.83 acres.

Development is required to achieve 80% of the target density. The RML zoning district has a target density of 12.00 units per net acre, which would calculate to 10 units on this site ($0.83 \times 12.00 = 9.96$). The minimum density is 80% of the target density, or 9.6 dwelling units per net acre. That would allow for 8 units ($10 \times 0.80 = 8.00$) on this site.

With 8 units, the project complies with the minimum density required and does not exceed the maximum allowed by the Development Code.

- E. SITE DESIGN:** The project design is for a conventional single-family detached subdivision. One new Local street (Turnbull Court) would be extended northeast from Gales Way. The project would be constructed in a single phase. The existing homes would remain, although one detached garage at 2311 Gales Way would be removed to allow for the construction of Turnbull Court.

Note that the building footprints indicated in the application are representational only; no specific home plans have been submitted for review.

The water quality tract would be located between Lot 4 and the existing home at 2332 "B" Street. The water quality facility would be located both west and north of the existing home. The location of the WQF on the north side of the home would result in the removal of a historic detached garage building. In addition, a sanitary sewer line and easement is proposed south of the existing home. The proposed location of the WQF would eliminate this home's north yard, while use of the south yard would be restricted by a new sanitary sewer easement (no significant landscaping and no buildings would be allowed). Further discussion follows in the City Services section below.

F. LOT LINE ADJUSTMENTS: These lot line adjustments (LLA) are proposed –

1. The north line of 2311 Gales Way would be modified to provide area for the cul-de-sac bulb of Turnbull Court.
2. The south line of 2311 Gales Way and the northeast line of 2307 Gales Way would be modified to shift them away from the existing accessory structure located on 2307 Gales Way.
3. Two property lines at 2332 "B" Street would be moved closer to the house in order to make space for the subdivision's water quality facility tract.

No new parcel would be created by these lot line adjustments. The site is located in the RML zoning district, in which the minimum parcel size is 3,500 square feet for a single-family detached lot. The smallest parcel following the LLA would have an area of 4,628 square feet.

Minimum side and rear yard setbacks in the RML zoning district are 5 feet and 15 feet respectively. Following the LLA, the minimum setbacks at 2333 "B" Street would be maintained. The minimum side and rear yard setbacks at 2307 and 2311 Gales Way would not be met; further discussion follows in the Variances section below.

G. SETBACKS: The standard setback requirements of DC §10.3.130(H) Table 3-7 would apply, except as modified by the proposed variances, as follows:

1. Reduction of the side yard setback from 14 feet to about 4.50 feet for the home at 2311 Gales Way abutting the new Turnbull Court right-of-way; and
2. Reduction of the side and rear yard setbacks from 5 feet to 3 feet for the accessory structure located on 2307 Gales Way.
3. Reduction of the side yard setback from 5 feet to 3.60 feet on the north side of the home at 2332 "B" Street.

Further discussion follows in the Variances section below.

H. PARKING: DC §10.8.515 Table 8-5 *Parking Requirements* stipulates a minimum of one off-street parking space for each single-family detached home. Each home in Smith Orchard is proposed to have a garage for one car, and a 20-foot-long driveway. Each lot would therefore have at least two off-street parking spaces, for a total of 16 over the project site.

Pursuant to DC §10.8.610(E) Table 8-8 Footnote #2, parking would be allowed on one side only of the Turnbull Court street segment between 2311 and 2323

Gales Way. On-street parking would be allowed around the entire cul-de-sac bulb. The project has been designed to maximize the availability of on-street parking by taking vehicular access off the private drive and by consolidating drive approaches taking direct access from Turnbull Court. To ensure that the future homebuilder is informed of this design, staff is recommending a **condition** to require that vehicular access for lots 2, 3, 4 and 6 be taken from the private drive, and that the driveways for lots 7 and 8 be paired. Staff calculates that perhaps a total of 6 on-street spaces would then be possible on Turnbull Court.

Because the existing garage and driveway at 2332 "B" Street is proposed to be removed and replaced by the water quality facility, a replacement driveway for one car is proposed in front of the house. Staff is proposing a **condition** to relocate the driveway to the south side of the property and extend it to the west end of the house - comparable to the length of the existing driveway - because 1) while a single-car driveway would comply with DC §10.8.515 Table 8-5 *Parking Requirements* for a single-family home, additional parking could be made available; and 2) the historic pattern of off-street parking in the Walker-Naylor District has been to locate it to the side or rear of the home.

- I. **ARCHITECTURE:** The site is located in the Walker-Naylor National Register Historic District. The period of significance as defined in the district's *National Register of Historic Places Registration Form* is from 1858 to 1959. Architectural styles documented in the district include Queen Anne, Greek Revival, Dutch Colonial, Colonial Revival, Tudor Revival, English Cottage, Bungalow, Minimal Traditional, World War II Era Cottage, and Ranch styles.

Three homes are extant on the project site.

- Both the home and garage at 2307 Gales Way are considered Contributing to the district (see Exhibit B *Walker-Naylor District Map* and *Oregon Historic Sites Database* records). "Contributing" means a building has been found to add to the historic integrity or architectural quality of a district. Both structures would be retained.
- Both the home and garage at 2311 Gales Way are considered non-contributing to the district due to remodeling. While the home would be retained, the garage is proposed to be removed.
- Both the home and garage at 2332 "B" Street are considered Contributing to the district. While the home would be retained, the garage is proposed to be removed. Staff is proposing a **condition** that the garage be preserved and relocated within the project site. One option would be to relocate it to 2311 Gales Way, to replace the non-contributing garage to be removed from that site.

Several nearby properties were also identified as Contributing, including 2318 and 2326 "B" Street; 1723 and 1737 23rd Avenue; and 2318 and 2326 Gales Way. Of the 8 Contributing buildings on-site or in the immediate vicinity, 5 are bungalows or Craftsman; the others exhibit a variety of styles.

While no home designs have been proposed, new construction in the district will be required to be compatible with the architectural styles noted above, and compliant with the provisions of DC §10.5.220(D) *Review Standards* or Design Guideline Handbook Section 5 *Historic District Design Guidelines*. Homes compliant with the provisions of DC §10.5.220(D) would be reviewed by staff (a

Type I process) while those reviewed against the Guidelines would be considered by the Historic Landmarks Board (a Type III process).

- J. **CITY SERVICES:** All City services are available for extension into the development site.

Streets –

- **Gales Way** is a designated Collector street. It has been fully improved to urban standards, although with a paved width of 24 feet, it is of substandard width for a Collector street. It is posted as a No Parking zone adjacent to the site. The City has no immediate plans to increase the paved width of Gales Way.
- **“B” Street** is a designated Collector street. It has been fully improved to Collector street standards. On-street parking is not restricted.
- **Turnbull Court** would be a Local street. It would have a 45-foot-wide right-of-way and a 24-foot-wide street. Ultimate right-of-way width would be 50 feet, with the additional width to be dedicated if and when 2323 Gales Way is partitioned or redeveloped. A right-of-way width of 50 feet and a paved width of 24 feet would comply with the standards for a Local street as provided in DC §10.8.610 Table 8-8 *Street Standards*.

Sidewalks – Sidewalks adjacent to home sites would be constructed as each home is built. The Turnbull Court sidewalk adjacent to 2311 Gales Way would be installed concurrent with street construction.

Water – An 8-inch water line would be installed in Turnbull Court, connected to the existing 20-inch line in Gales Way. A 6-inch line is located in “B” Street. Capacity is adequate to provide both domestic service and fire protection.

Sanitary Sewerage – As noted above, the project site slopes downward to the northeast. As a consequence, both the sanitary sewerage and storm drainage lines are proposed to be routed through 2332 “B” Street.

The sanitary line would be routed east from the cul-de-sac bulb under the private driveway, then through to connect with an 8-inch City sanitary sewer line at a new manhole in “B” Street. The line would be located in a new easement on the south side of the existing home at 2332 “B” Street. Capacity is adequate to serve the proposed project.

Storm Drainage – The storm drainage line would be routed east from the cul-de-sac bulb under the private driveway to a new water quality treatment facility (WQF) to be constructed east of Lot 4 and west and north of the existing home at 2332 “B” Street (and is the reason behind one of the requested variances). From the WQF a line would then be extended to connect with a new manhole in “B” Street, thence north to connect with an existing 12-inch City storm drainage line. The WQF would be located in a new tract on the north side of the existing home at 2332 “B” Street, and would require removal of the existing detached garage. Capacity is adequate to serve the proposed project.

Staff is concerned that the proposed storm and sanitary sewer designs would unduly impact the existing home at 2332 “B” Street because –

- The location of the proposed WQF would require the removal of a Contributing historic building;
- The WQF would be located less than 4 feet from the home, and the landscaping installed within it would not be under the control of the homeowner;
- The WQF - likely enclosed with a chain link fence - would project forward of the home, thus disrupting the historic streetscape.
- The sanitary sewer line installed on the home's other side would restrict how that area could be used, since no significant landscaping or buildings would be permitted within the easement (although the area could be used for a driveway and parking).

Staff is therefore recommending conditions to:

- Reconfigure the WQF so that it is located wholly behind (west of) 2332 "B" Street. This location would also eliminate the need for one of the requested variances. Further discussion follows in the Variances section below.
- If necessary, lots 3 and 4 shall be consolidated. To comply with density requirements, the combined lot area shall be at least 4,200 square feet and a duplex constructed on that lot.
- The storm and sanitary sewer lines shall be combined into a single easement over and through 2332 "B" Street.
- If the garage at 2332 "B" Street has to be removed, it shall be relocated within the project site.

Fire Protection – The Fire Department has proposed three standard **conditions:** that the project complies with Forest Grove Code §5.635 *Fire Hydrant Locations and Distribution*; that the private driveway is posted as a Fire Lane – No Parking; and that addresses are clearly posted in compliance with Forest Grove Code §9.520 *House Numbers*. To ensure that they are "clearly visible from the fronting street" addresses for homes on lots 3 and 4 would be required to have a sign posted at the common driveway entrance, in addition to digits posted on the homes.

Electrical Service – The project would be served by underground utilities. This coincides with current Light and Power Department policies for new residential subdivisions.

K. **VARIANCES:** The application notes that *"The needed variances are not a result of prior actions of the applicant or the owners. These parcels have been owned by the current owners for generations, and the home were built long before (current) development requirements, particularly for (Turnbull) Court. The home at 2332 "B" Street was built in 1940 and the home at 2311 Gales Way was built in 1930; 2307 Gales Way was built in 1920."*

1. Public Utility Easement (PUE) – DC §10.8.905(E)(1) *Easements* requires a 10-foot-wide easement "along the front lines of all lots or parcels for public utilities and sidewalks." By definition, any lot line abutting a public street right-of-way is a front lot line, including the side lot line of the parcel at 2311 Gales Way where it will abut the new Turnbull Court right-of-way. At this location, the proposed easement width would be reduced to about 4.50 feet.

The reduced width is being proposed due to the limited distance between the homes located at 2311 and 2323 Gales Way. The applicant is proposing

to remove the existing garage from 2311 Gales Way in order to provide sufficient public right-of-way width for Turnbull Court. There would not be sufficient distance to also provide a 10-foot-wide PUE without also removing the house.

The front PUE is generally used for the “dry” utilities including electrical distribution facilities. The applicant has been working with Light and Power Department staff on a design that would locate the electrical distribution facilities elsewhere. While the electrical system final design won’t begin until the public improvement plans are submitted, L & P staff has indicated that an alternative design is feasible and thus is not opposing this variance.

2. Yard Setbacks – Three variances are being requested -

- i. Reduction of the side yard setback from 14 feet to about 4.50 feet for the home at 2311 Gales Way abutting the new Turnbull Court right-of-way:

DC §10.3.130 Table 3-7 *Setback Requirements* regulates a “Corner Side Yard” the “Same as a front yard.” The front yard setback in residential zones is a minimum of 14 feet.

As noted above, the reduced width is being proposed due to the limited distance between the homes located at 2311 and 2323 Gales Way. An existing garage would be removed from 2311 Gales Way in order to provide sufficient public right-of-way width for Turnbull Court. There would not be sufficient distance to provide a 14-foot-wide setback without also removing the house. Staff therefore concludes that this variance request is warranted.

- ii. Reduction of the side and rear yard setbacks from 5 feet to 3 feet for the accessory structure located on 2307 Gales Way:

Two of the proposed lot line adjustments would reconfigure the parcels at 2307 and 2311 Gales Way. The new lot lines are proposed to be located 3 feet from an existing detached garage located on 2307 Gales Way. Three feet is the minimum distance required by the building code; any lesser distance requires the use of fire-resistive materials. For building code purposes, the measurement would be taken from the eave edge closest to the property line.

Development Code setbacks are measured from the foundation, not the eave. Eaves generally project 2 feet or less from a wall, thus complying with building code provisions when a building is setback 5 feet from a property line. If the lot lines were located only 3 feet from the foundation, the eaves would have to be reconstructed with fire-resistive materials. As the garage is a Contributing structure to the historic district and would have to be modified with fire-resistive materials, and because the lot lines can be located in compliance with standard setback requirements, staff is recommending a **condition** that the lot line adjustment be revised to provide a minimum 5-foot-wide setback adjacent to the garage at 2307 Gales Way.

- iii. Reduction of the side yard setback from 5 feet to 3.60 feet on the north side of the home at 2332 “B” Street.

The purpose of this variance would be to provide adequate space for the project's water quality facility (WQF) in Tract A. This area is located at the downstream end of the project site, and thus is the only viable location for storm water to drain. Because Clean Water Services stipulates the minimum area required for a WQF, the City has no authority to vary from these standards.

It might be possible to design the WQF so that it wouldn't extend along the north side of the house, thus eliminating the need for this variance. To do so could reduce the area of Lot 4 by about 1,500 square feet. While Lot 4 is proposed to be the largest in the project site (at 6,236 square feet), part of the lot would be non-buildable due to the storm drainage and sanitary sewer line easement. Reducing the lot area to about 4,700 square feet would also further limit buildable area which might also result in a smaller building floor area.

III. REQUIRED APPROVALS AND FINDINGS

The approval standards for LOT LINE ADJUSTMENTS are as follows (DC §10.6.030):

- A. *An additional parcel is not created by the lot line adjustment, and the parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the zoning district.*

Finding: No new parcel would be created by these lot line adjustments. The site is located in the RML zoning district, in which the minimum parcel size is 3,500 square feet for a single-family detached lot. The smallest parcel following the LLA would have an area of 4,628 square feet. This criterion would be met.

- B. *The resulting parcels conform to the dimensional standards of the zoning district, including:*

1. *The minimum width of the lots shall meet the requirements of the applicable zoning district; and*

Finding: Minimum lot width is 15 feet (DC §10.8.905(F)(2) *Frontage*). All lots would maintain a minimum width of 50 feet following the LLA.

2. *Setbacks shall be as required by the applicable zoning district.*

Finding: Minimum side and rear yard setbacks in the RML zoning district are 5 feet and 15 feet respectively. Following the LLA, the minimum setbacks at 2333 "B" Street would be maintained. Variances have been requested to adjust the minimum side and rear yard setbacks at 2307 and 2311 Gales Way.

The approval standards for the VARIANCES are as follows (DC §10.2.720):

- A. *The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of or caused by the applicant or owner, such as financial circumstances;*

Finding: The needed variances are not a result of prior actions of the applicant or the owners. The parcels have been owned by the current owners for decades, and the homes built long before current development requirements were adopted. The variances are being requested due to the odd configuration of the site which limits development options, the limited frontage onto public streets, and the existence of and desire to retain several existing homes versus clearing the site of all existing improvements.

- B. *To meet the need, the request is the minimum necessary variation from the Code requirement; and*

Finding: At 2332 "B" Street, the north side yard setback would be reduced from 5 feet to about 3.60 feet, to allow for the installation of a water quality facility (WQF). This parcel is located at the low point of the project site, and thus is the preferred location for a WQF. Clean Water Services (CWS) requires that WQFs be located within their own tracts, and further stipulates the minimum dimensions required. This would result in the creation of a new property line north of the existing home.

Due to the above factors, and the limited yard area available, the variance to allow the side yard setback to be reduced from 5 feet to about 3.60 feet appears warranted. However, it might be possible to design the WQF so that it wouldn't extend along the north side of the house, thus eliminating the need for this variance. This would be the preferred alternative, since it would not necessarily require the removal of a historic detached garage building, would not eliminate the resident's use of the home's north yard, and could reduce the number of easements over the property.

Finding: Because the Development Code defines any yard fronting a street as a front yard, the minimum setback required is 14 feet. At 2311 Gales Way, the front yard setback would be reduced from 14 feet to about 4.50 feet to allow for the construction of a new City-standard street (Turnbull Court). The reduced width is proposed due to the limited distance between the homes located at 2311 and 2323 Gales Way. While there is sufficient space to dedicate a City-standard 50-foot-wide right-of-way (45 feet of which would be dedicated with this project), there is not sufficient width to also provide a 14-foot-wide setback without also removing the house. Due to those factors, the variance to allow the front yard setback from 14 feet to about 4.50 feet adjacent to Turnbull Court appears warranted.

Finding: At 2307 Gales Way, the side and rear yard setbacks would be reduced from 5 feet to 3 feet. Two of the proposed lot line adjustments would reconfigure the parcels at 2307 and 2311 Gales Way. The new lot lines would be located 3 feet from an existing detached garage located on 2307 Gales Way. Three feet is the minimum distance required by the building code; any lesser distance would require the use of fire-resistive materials. For building code purposes, the measurement would be taken from the eave edge closest to the property line.

Development Code setbacks are measured from the foundation, not the eave. Eaves generally project 2 feet or less from a wall, thus complying with building code provisions when a building is setback 5 feet from a property line. If the lot lines were located only 3 feet from the foundation, the eaves and roof would have to be reconstructed with fire-resistive materials. As the garage is a Contributing structure to the Walker-Naylor Historic District and would have to be modified with fire-resistive materials, and because the lot lines can be platted in compliance with standard setback requirements, this variance does not appear to be necessary.

Finding: DC §10.8.905(E)(1) *Easements* requires a 10-foot-wide easement “along the front lines of all lots or parcels for public utilities and sidewalks.” By definition, any lot line abutting a public street right-of-way is a front lot line, including the side lot line of the parcel at 2311 Gales Way where it will abut the new Turnbull Court right-of-way.

The reduced width is proposed due to the limited distance between the existing homes located at 2311 and 2323 Gales Way where Turnbull Court would be dedicated. While there is sufficient space to dedicate a City-standard 50-foot-wide right-of-way (45 feet of which would be dedicated with this project), there is not sufficient width to also provide a 10-foot-wide public utility easement without also removing the house at 2311 Gales Way. Due to those factors, the variance to allow the public utility easement to be reduced from 10 feet to about 4.50 feet adjacent to Turnbull Court appears warranted.

- C. *The circumstances that apply to the site do not typically apply to other properties in the same vicinity or zoning district and are unique or unusual.*

Finding: The circumstances that apply to this site do not apply to other properties in the same vicinity or zoning district and are unique or unusual. The variances being requested are due to the odd configuration of the project site which greatly limits development options; the limited frontage onto adjacent public streets which limits the ability to extend a street and utilities into the site; and the existence of and desire to retain several existing homes – including several designated historic structures - versus clearing the site of all existing improvements.

The approval standards for a SUBDIVISION are as follows (DC §10.6.110):

Type II approval of a tentative subdivision plat will be granted if the (Planning Commission) finds that the applicant has met or can meet all of the following criteria without reliance on other parties not associated with the subject development, unless agreements with such other parties are in place prior to project approval to the satisfaction of the (Planning Commission):

- A. *The tentative subdivision plat complies with all applicable requirements for submittal.*

Finding: The applicant has provided sufficient information to comply with the requirements for submittal, pursuant to DC §10.6.105 *Application Requirements for Tentative Plat Review*.

- B. The subdivision plat complies with all applicable standards and design requirements of this Code.*

Finding: The site is located in the RML Residential zoning district. The minimum number of lots proposed, their areas and dimensions would all comply with Development Code provisions. Variances have been requested to reduce the width of several setbacks and the width of a public utility easement. With approval of the variances described above, the project would comply with all the applicable standards and requirements of the Development Code.

- C. Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and addressed in the design of the tentative plat.*

Finding: The site exhibits no floodplains, wetlands, significant topography or significant vegetation. The project site is located in the Walker-Naylor National Register Historic District; several of the existing structures are Contributing resources to the district. All homes extant on the site will remain. One Contributing outbuilding is proposed to be removed. As a condition of approval, this structure will be preserved and relocated within the site. One non-contributing outbuilding is also proposed to be removed; as it is not a historic resource, no conditions of approval appear necessary.

- D. All lots shall be suitable for their intended use. No parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the occupants of such lot or subdivision.*

Finding: The lots would be of a size and design to be developed with single-family detached homes. All would be served with City-standard utilities. Standard residential setbacks will apply. No issues are anticipated that would be detrimental to the health, safety or sanitary needs of the future residents.

- E. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.*

Finding: The project will be developed in a single phase. There will be no remainder.

- F. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.*

Finding: Adjoining land is already developed. The construction of Turnbull Court will provide sufficient access such that the property at 2323 Gales Way could be further developed.

- G. The proposed street plan provides safe, convenient and direct options for pedestrian, bicycle and vehicular circulation.*

Finding: Streets and sidewalks within the site will be constructed to City standards. Because the site has been surrounded by existing development, the project will be served with a cul-de-sac versus a through street. The project will be built in a single phase, and sidewalks installed either with street construction or concurrent with home-building.

- H. *Adequate public facilities are available to or within the site, including sufficient legal access, or can be provided by the applicant to serve the proposed subdivision.*

Finding: All public facilities are of adequate capacity to serve the proposed development. As a condition of approval, all sanitary sewers, water lines, streets, storm sewers, and electrical power facilities within the project shall be constructed to City Master Plan or other municipal or CWS specifications.

- I. *Protection and assurance of access to incident solar radiation and/or wind as defined by ORS 92.044 for potential electrical generation or mechanical application.*

Finding: Because the site is surrounded by existing development, Turnbull Court and the abutting lots could not be oriented to comply with the provisions of DC §10.5.415(A) *Solar Access Design Standard Basic Requirement* or (B) *Protected Solar Building Line Option*. The new homes will be required to comply with the provisions of subsection (C) *Performance Option*, and thus would comply with the provisions of ORS 92.044.

IV. ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the lot line adjustments, variances and subdivision as proposed.
2. Approve the lot line adjustments, variances and subdivision with conditions.
3. Deny the application, stating reasons for doing so.
4. Continue the matter to a date certain for further consideration.

V. SUMMARY AND RECOMMENDATION

Staff recommends that the Planning Commission approve the lot line adjustments, the variances to reduce the public utility easement width and the front yard setback abutting Turnbull Court, and the subdivision, subject to the following conditions.

VI. PROPOSED CONDITIONS OF APPROVAL

GENERAL

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. All plans submitted to date are considered conceptual only. Detailed plans and specifications must be submitted that demonstrate compliance with standards and regulations adopted by the City of Forest Grove and/or all other agencies that have jurisdiction.

FINAL PLAT REQUIREMENTS

3. A 10-foot-wide public utility easement (PUE) shall be denoted along the front lines of all lots, parcels, and tracts, except 2311 Gales Way which shall have a minimum 4.40-foot-wide PUE abutting Turnbull Court (DC §10.8.900(E)).
4. Easements as necessary shall be granted for the installation of electrical distribution facilities (transformers, junction boxes, etc.) pursuant to DC §10.8.615(A) – (B).

5. Lot 8 and 2311 Gales Way shall be reconfigured to provide a minimum 5-foot-wide side and rear yard setback adjacent to the garage located at 2307 Gales Way, pursuant to DC §10.3.130(H) Table 3-7 *Setback Requirements*.
6. Easements to the City of Forest Grove shall be provided over the water quality tract for maintenance of the facility and conveyance system (DC §10.8.615(B), 10.8.635(B) and §10.8.905(E)(2)).
7. Submit a copy of the proposed final deed restrictions concurrent with the final plat. The CC&Rs shall provide adequate provisions including but not limited to funding for the maintenance of the water quality tract and the private driveway serving lots 2-6. To ensure the funding mechanism is adequate, provide an estimate of the total anticipated maintenance expenses for a ten-year period, and describe how those expenses will be met (DC §10.8.1000 *Conditions, Covenants, and Requirements*).
8. The final plat shall be submitted within two years of tentative plat approval, pursuant to DC §10.6.115 *Effective Period of Tentative Plat Approval*. Upon satisfactory completion, a Mylar copy of the recorded plat shall be provided to the Community Development Department.
9. Home building permits shall not be issued for any lots until the recorded Mylar for each phase is received.

PUBLIC IMPROVEMENTS

10. All plans submitted to date are considered *conceptual* only. Public improvement plans shall comply with the Engineering Department's *Development Projects – General Submittal Requirements; Engineering Development Review Process; Engineering Department Conditions of Approval; Plan Requirements for Public Improvements; Plan Review Checklist; and Road Right-of-Way Testing and Inspection Practice*.
11. All sewer and storm improvement work shall conform to the City of Forest Grove *Municipal Code and Master Plans, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33 Excavation and Grading, and the Agreement Allowing Developer to Construct Public Improvements*. No home building permits will be issued until all required public improvements have been constructed and accepted by the City of Forest Grove and/or others having jurisdiction.
12. All sewer and storm improvements shall comply with CWS Resolution and Order 07-20 *Design and Construction Standards for Sanitary Sewer and Surface Water Management*.
13. The developer shall provide record drawings of all public utilities.
14. Fire hydrants shall be installed in compliance with Forest Grove Code §5.635 *Fire Hydrant Locations and Distribution*. Hydrants shall be equipped with two 2 ½-inch ports and one 4-inch Storz fitting with a cap on the steamer port. Locations shall be identified with blue reflective pavement markers at the street centerline.
15. All signage (including, but not limited to, street names, vehicular parking restrictions, and vehicular and pedestrian traffic protection and direction) for public rights-of-way and easements; pavement striping and marking; and pavement reflectors (including, but not limited to, blue fire hydrant markers), shall be shown on the approved plans and installed by the developer, as required by the Engineering Department. To minimize conflict with driveway locations and street trees, signs shall be attached to street light poles wherever possible.
16. The recommendations of the geotechnical report shall be incorporated into the construction plans for the subdivision. It shall also contain a separate section addressing public improvements, including the structural design and construc-

tion of public streets and roadways referencing the *Washington County Uniform Road Improvements and Design Standards* and/or AASHTO standards. Alternate design considerations for "wet-weather" construction shall be included. The street design shall meet or exceed minimum standards established by the City Engineer.

SETBACKS AND BUILDING FEATURES

17. The standard setback requirements of DC §10.3.130(H) Table 3-7 shall apply, including a minimum 5-foot-wide setback abutting the accessory building located on 2307 Gales Way.
18. A minimum distance of 8 feet shall be maintained between electrical transformers and any combustible structure, overhang, window or door. The applicant shall consult the Forest Grove Light and Power Department's Electrical Service Requirements & Guidelines §1.09 *Clearances from Utility Equipment* for additional clearances and information and also National Electrical Safety Code (NESC) Rule 012C.
19. The *Single-Family Development Review Standards* of DC §10.8.880 shall apply to all homes constructed in this project.
20. New construction in the Walker-Naylor Historic District shall be compatible with the architectural styles documented in the district including Queen Anne, Greek Revival, Dutch Colonial, Colonial Revival, Tudor Revival, English Cottage, Bungalow, Minimal Traditional, World War II Era Cottage, and Ranch styles; and shall be compliant with the provisions of DC §10.5.220(D) *Historic Landmark Review Standards* or Design Guideline Handbook Section 5 *Historic District Design Guidelines*.
21. Addresses shall be clearly posted in compliance with Forest Grove Code §9.520 *House Numbers*. To ensure that they are "clearly visible from the fronting street" addresses for homes on lots 3 and 4 shall be posted at the common driveway entrance in addition to being installed on the homes.

OTHER

22. If the garage at 2332 "B" Street is removed to provide for utility installation, it shall be preserved and relocated within the project site.
23. If the garage at 2332 "B" Street is removed to provide for utility installation, the new driveway shall be located on the south side of the lot and shall extend to the west end of the house.
24. To maximize the availability of on-street parking, vehicular access for lots 2, 3, 4 and 6 shall be taken from the private drive, and the driveways serving lots 7 and 8 shall be paired.
25. Mailboxes and newspaper receptacles are required; locking mailboxes are recommended. These facilities shall be located in the vicinity of streetlights. Locations and specifications should be confirmed with the Forest Grove Post Office prior to installation. Installation shall occur prior to occupancy of the first home.
26. A tree protection plan consistent with the provisions of DC §10.5.115 shall be submitted concurrent with the public improvement plans or grading plan, whichever is submitted first. The plan shall include all on-site trees to be preserved, and all off-site trees within 20 feet of the perimeter property line.
27. An erosion control plan is required pursuant with Forest Grove Code §9.810(1).

VII. LIST OF EXHIBITS

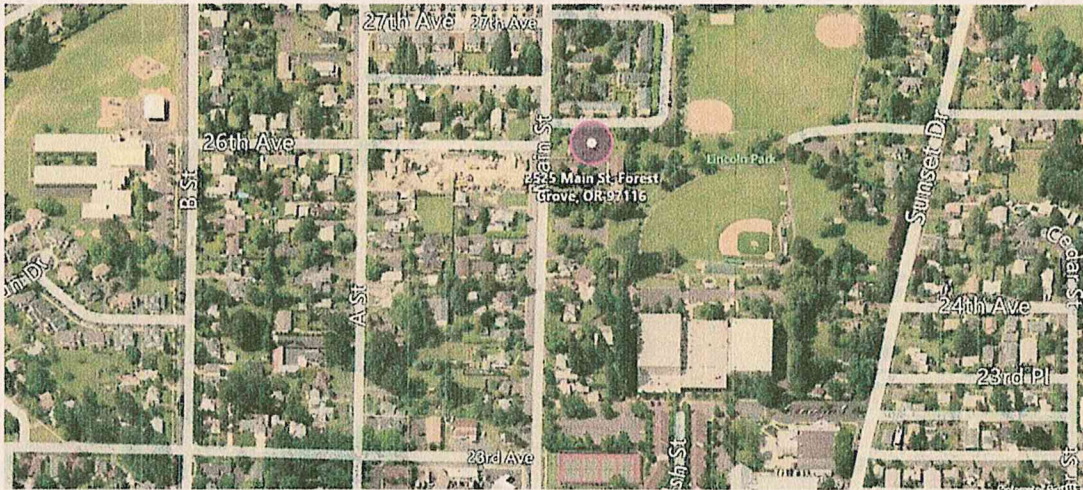
The following attachments were received, marked, and entered into the record as evidence for this application at the time this staff report was written. Attachments of evidence received after the date of this report will be marked beginning with the next consecutive letter and will be entered into the record at the time the Public Hearing is opened, prior to oral testimony.

- Exhibit A** Application Materials, prepared and submitted by NW Land Planning
- Exhibit B** Walker-Naylor Historic District Map and Historic Database Sheets
- Exhibit C** Kimball Letter dated June 30, 2017

EXHIBIT A

Application Materials

SMITH ORCHARD
LAND USE APPLICATION
PRELIMINARY APPROVAL
8 LOT SUBDIVISION, PROPERTY LINE
ADJUSTMENT & VARIANCE



Submitted to:
CITY OF FOREST GROVE
1924 Council Street, Forest Grove, Oregon 97116

Submitted on Behalf of:
HOMESTEAD DEVELOPMENT CORP.
PO Box 12, Hillsboro, Oregon 97123

Prepared by:
NW LAND PLANNING
PO Box 230121, Portland, Oregon 97281
503.330.2019 / trisha_clark@hotmail.com

Resubmitted May 1, 2017



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SMITH ORCHARD – 8 LOT SUBDIVISION, PROPERTY LINE ADJUSTMENT & VARIANCE
TAX LOTS 300, 800 & 1000 ASSESSOR'S MAP 1N4 36DA, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

SMITH ORCHARD
SUBDIVISION, PROPERTY LINE ADJUSTMENT & VARIANCE

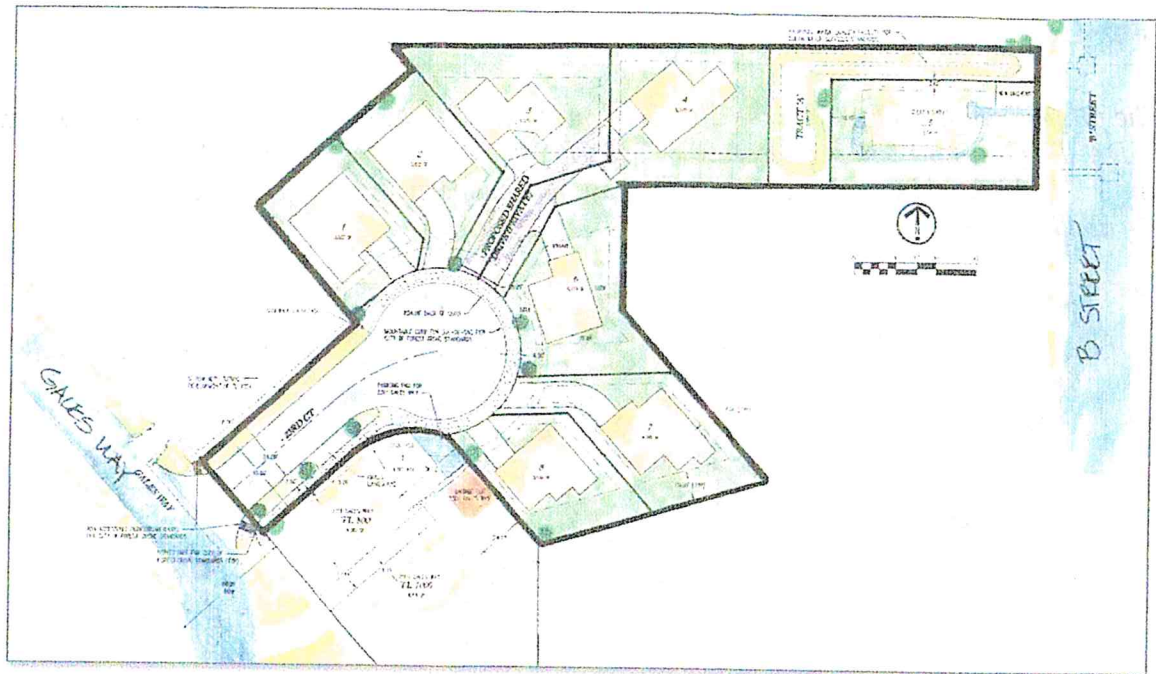
Contacts

APPLICANT:	HOMESTEAD DEVELOPMENT CORP. Ron Guillory PO Box 12 Hillsboro, Oregon 97123
PROPERTY OWNER:	David and Marilyn Turnbull 3897 SE Ash Street Hillsboro, Oregon 97123
APPLICANT'S REPRESENTATIVE:	NW LAND PLANNING Trisha Clark PO Box 230121 Tigard, Oregon 97281 phone: 503.330.2019 trisha_clark@hotmail.com
ENGINEER / SURVEYOR:	EMERIO DESIGN Ryan Walker phone: 503.746.8812 office ryan@emeriodesign.com

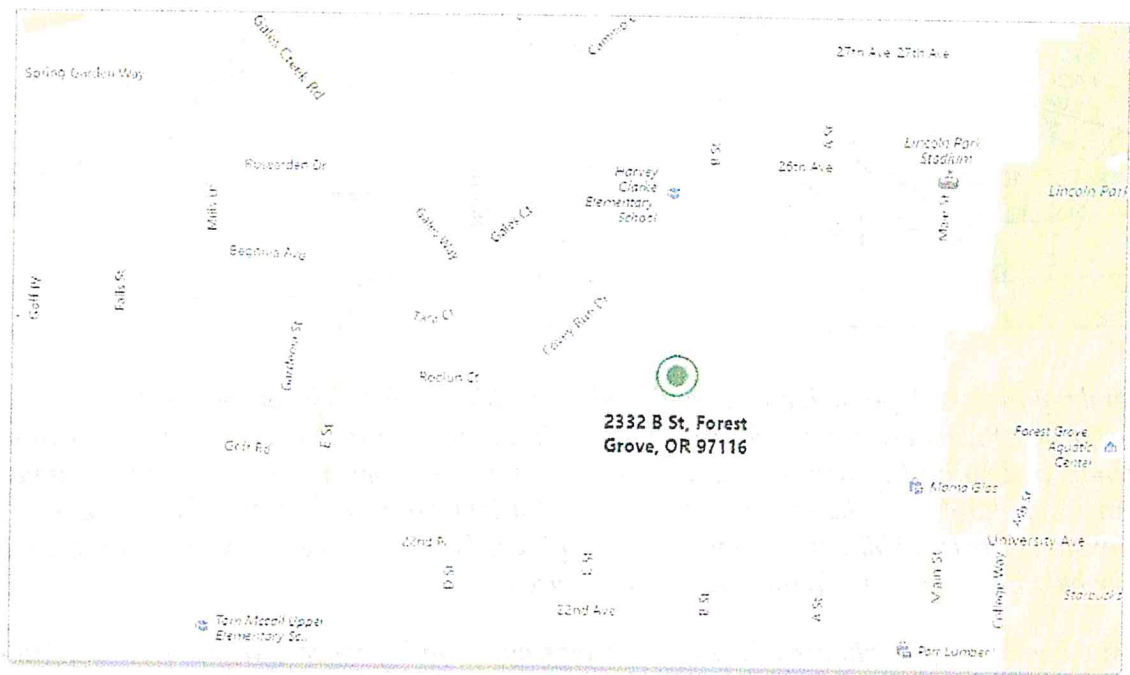
Application Summary

SUBJECT PROPERTY:	Tax Lot 300, 800 and 1000 of Assessor's Tax Map 1N4 36DA, In the City of Forest Grove, Washington County, Oregon
SITE ADDRESS:	2307 and 2311 Gales Way (TLs 800 and 1000) and 2332 "B" Street (TL 300)
SITE SIZE:	1.42 Acres Total
ZONING:	RMH (Residential Multi-Unit Low)

SMITH ORCHARD – 8 LOT SUBDIVISION, PROPERTY LINE ADJUSTMENT & VARIANCE
TAX LOTS 300, 800 & 1000 ASSESSOR'S MAP 1N4 36DA, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON



PROPOSED SITE PLAN

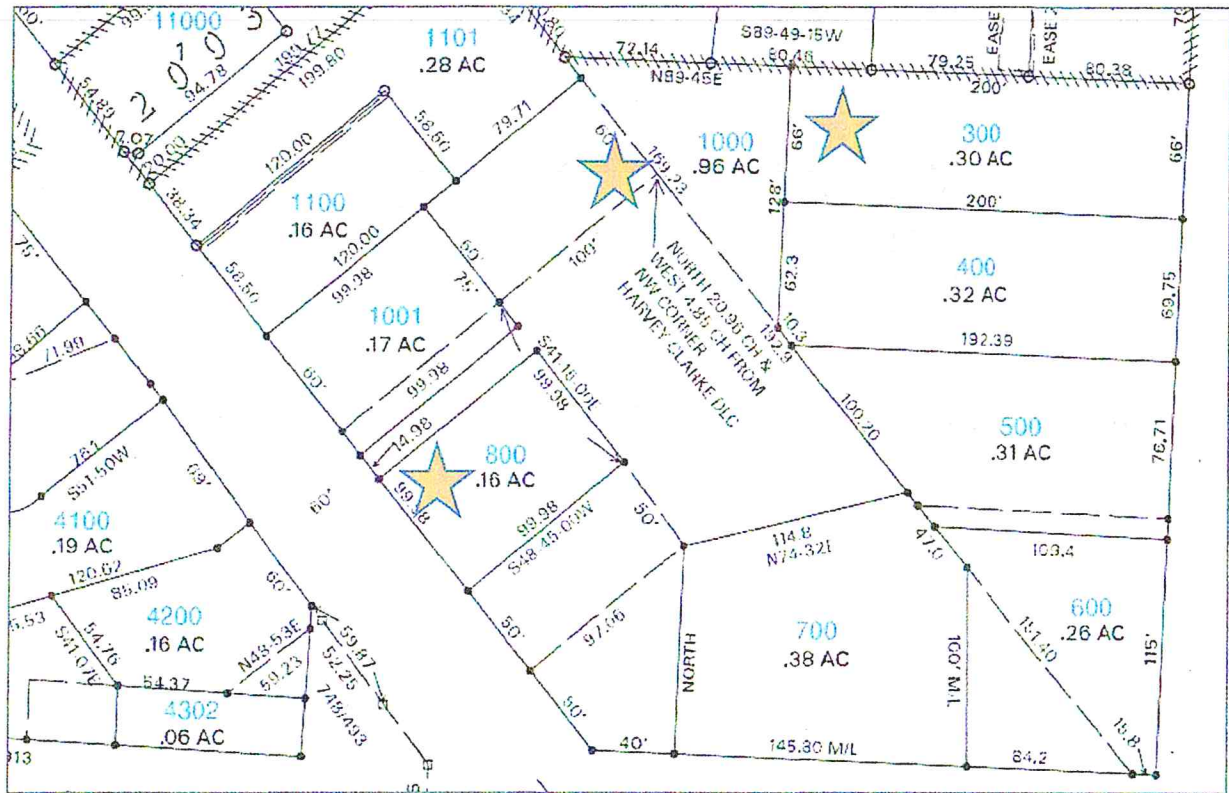


PROJECT VICINITY MAP

SMITH ORCHARD – 8 LOT SUBDIVISION, PROPERTY LINE ADJUSTMENT & VARIANCE
TAX LOTS 300, 800 & 1000 ASSESSOR'S MAP 1N4 36DA, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

Site Description

The project site includes Tax Lots 300, 800 and 1000 of Washington County Assessor's Map 1N4 36DA. TL (Tax Lot) 300 is addressed at 2332 B Street, TL 800 is addressed at 2311 Gales Way and TL 1000 is addressed at 2307 Gales Way. The property owners, David and Marilyn Turnbull, currently own all three properties.



The bulk of the developable land currently belongs with TL 1000. The proposed Property Line Adjustments (PLAs) are further described later within this narrative and are depicted within the Appendix as Exhibit H. After the PLAs, the subdivision development site will all be contained within Tax Lot 300, and the existing house on tax lot 300 will be on Lot 5 of the proposed subdivision. Tax lots 800 and 1000 will be reconfigured and after the PLAs are recorded, will no longer be a part of the subdivision development area.

The site contains approximately 1.42 acres in aggregate and is zoned RML (Residential Multi-Unit Low) within the city of Forest Grove. After the PLAs the subdivision are will contain 1.12 acres gross and 0.83 acres net.

The site is irregularly shaped and fronts onto Gales Way on the west side and onto B Street on the east side. The "Covey Run" apartments are to the north and there are existing single family homes on larger parcels to the south.

SMITH ORCHARD – 8 LOT SUBDIVISION, PROPERTY LINE ADJUSTMENT & VARIANCE
TAX LOTS 300, 800 & 1000 ASSESSOR'S MAP 1N4 36DA, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

The Existing Conditions Plan on sheet 2 of the Preliminary Plans shows the subject property and surrounding properties, including contour elevations – the site is slightly sloped toward the east, with a high elevation of approximately 220 feet near Gales Way and a low elevation of approximately 208 feet near B Street.



AERIAL PHOTOGRAPH

The site will be accessed by a new public street cul de sac from Gales Way, 23rd Court. All services are available to the site within the right of way of Gales Way for public water service, and B Street, where public storm and sanitary sewer are both available. A Preliminary Utility Plan is provided on sheet 4 of the Preliminary Plans.

Proposed Project

There are two steps needed to achieve the development of the site

- 1) Property Line Adjustments and*
- 2) an 8 Lot Subdivision (with Variance for setbacks to existing houses on the site).*

PROPERTY LINE ADJUSTMENTS

The PLAs are detailed in Exhibit H of the Appendix. The bulk of the vacant and developable land is contained within the parcel addressed at 2307 Gales Way (TL 1000), which contains an existing house with detached garage. TL 1000 accesses from Gales Way by a driveway to the south of TL 800, which also contains a house. TL 1000 has a flag pole that goes to Gales Way, along with additional street frontage to Gales Way to the south of 2311 Gales Way (TL 800). The flag pole is approximately 14.98 feet wide and is not wide enough for the street that meets the standards for a public cul de sac street, as shown in the city's detail, attached as Exhibit C.

TL 800 contains an existing house and a detached garage. The garage will be removed to allow for the placement of the new public right of way, 23rd Court and a new driveway pad will be installed on the north side of the existing house, accessing from the new public street and providing parking for the home at 2311 Gales Way. The detached garage for the home on TL 1000 will be trimmed to be entirely contained on that parcel, after the PLAs. TL 1000 will have an access and utility easement over that portion of the driveway that will be on TL 800 and the driveway will be for the exclusive use of TL 1000; the easement will be recorded as a part of the development process, particularly at the time of the Property Line Adjustments.

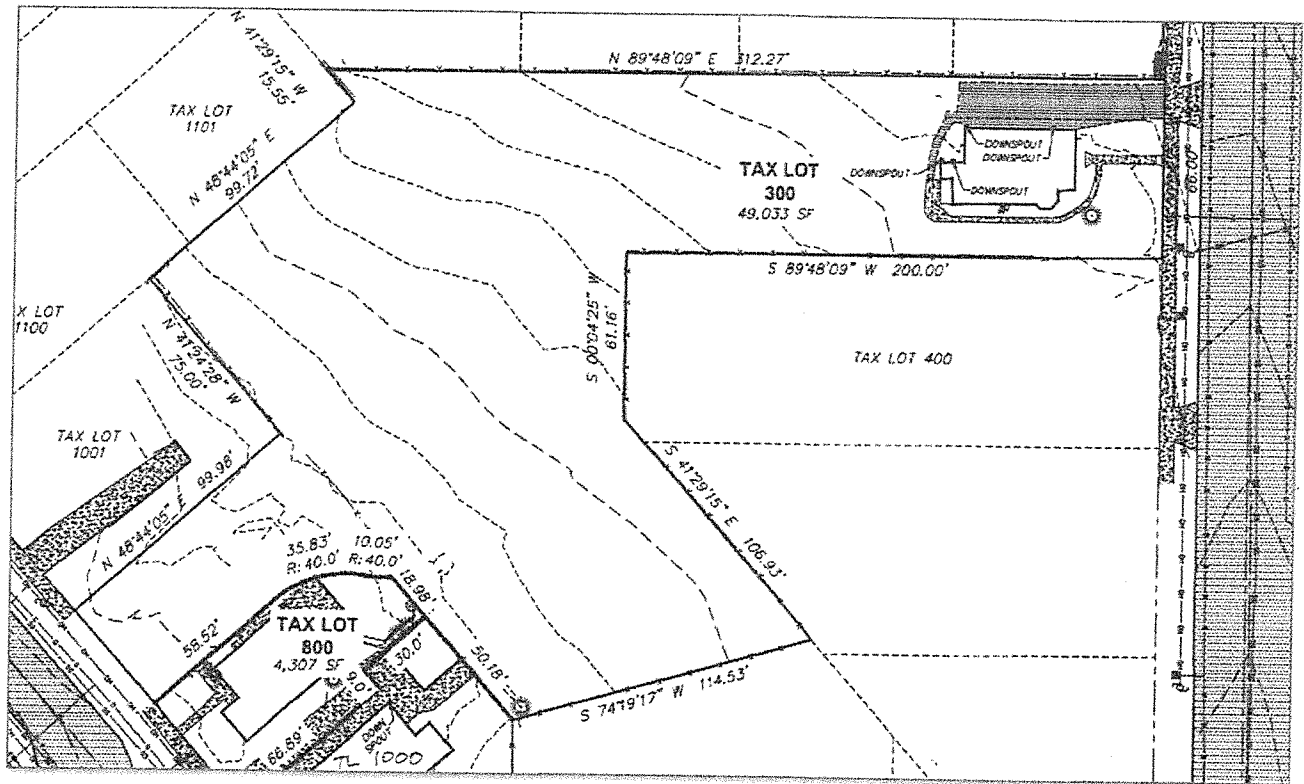
The reason for the first two of the three Property Line Adjustments is to adjust the north and south property lines of TL 800 to the south, which will allow for 45.00 feet of width for a new public street (Because TL 1001 can be divided in the future, there will be 5.00 feet left to that parcel for future dedication with future partitioning), as shown on the Preliminary Site Plan on sheet 3.

The third Property Line Adjustment will move the existing west boundary line of TL 300 to be the adjusted rear property line for TL 1000. The existing detached garage on TL 1000 will be partially removed to allow for the adjustment of that line.

These Property Line Adjustments will allow the owners (Mr. and Mrs. Turnbull) to sell the vacant and developable portion of land that is currently contained within Tax Lot 1000 along with the existing house on TL 300 to the developer, Homestead Development Corp.

TL 300 is important to the development because the public storm drainage needs to be routed along the north side of the existing house within Tract "A" and the public sanitary sewer needs to be routed along the south side of the house within an easement, to be connected to the existing lines within B Street, as shown on the Preliminary Utility Plan on sheet 4.

Because of the slope of the site and the location of the needed utilities, this configuration of the subdivision boundary makes the most sense. This will allow the Turnbulls to continue to rent out the existing homes on TLs 800 and 1000 at their leisure, without those parcels being encumbered as a part of the subdivision development and transfers the developable portions of the collective parcels to Tax Lot 300 and widens out the flag pole to Gales Way to allow for the placement of a public street.



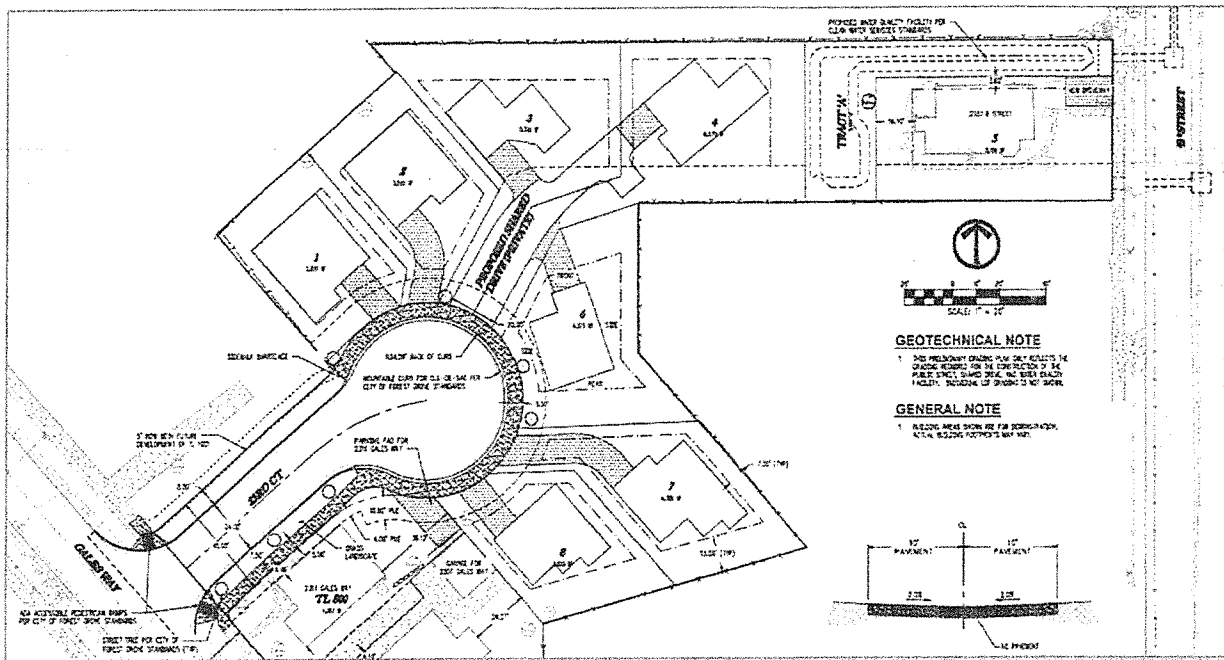
NEW CONFIGURATION OF TL 300 – SUBDIVISION DEVELOPMENT AREA

AREA OF PARCELS AFTER PLA

<i>Tax Lot</i>	<i>Ex. Current Area (SF)</i>	<i>After PLA (SF)</i>	<i>Site Address</i>
300	13,200	48,963	2332 B Street
800	7,121	4,307	2311 Gales Way
1000	41,668	8,719	2307 Gales Way

8 LOT SUBDIVISION – SMITH ORCHARD

After the property line adjustments, the subject portion of the site will be contained within TL 300, along with the existing house, which will remain on Lot 5 of the final subdivision plat.



PROPOSED SUBDIVISION LAUYOUT

The site will be accessed by a new pubic street, 23rd Court; lots 1-4 and 6-8 along with TL 800 will access from this new street. Lot 5, containing an existing house, will continue to access onto B Street by a new driveway, as shown on the Preliminary Site Plan on sheet 3. Lots 3, 4 and 6 will have a shared driveway over the flag pole portion of Lots 3 and 4 and the driveway will have a reciprocal access and utility easement over the shared portion.

The applicant is proposing development of the site with the required and appropriate utilities in compliance with the requirements of the City of Forest Grove and CWS, which are all available to the site within the public right of ways, as demonstrated on the Preliminary Planset. Development of the site will be completed in one phase of construction.

The applicant's engineer, Emerio Design, has provided the Preliminary Plans showing how the site will be served with public serves and a Preliminary Storm Drainage Report, included within the Appendix as Exhibit F. Public services will be provided as follows:

- **Public Water:** Public water is available within the right of way of Gales Way; the lots will be served by extending a public line through the new right of way of 23rd Court. Each home will have an individual meter from the new public line. The existing house on Lot 5 is already connected to public water with a water meter near the southeast corner of the lot along B Street, this connection will not be changed or altered. A new fire hydrant will be installed on the south side of the new street, as shown on the Preliminary Utility Plan on sheet 4.

SMITH ORCHARD – 8 LOT SUBDIVISION, PROPERTY LINE ADJUSTMENT & VARIANCE
TAX LOTS 300, 800 & 1000 ASSESSOR'S MAP 1N4 36DA, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

- **Sanitary Sewer:** Sanitary sewer is available within the right of way of B Street. As shown on the Preliminary Utility and Grading Plan on sheet 4, a new public line will be extended from the existing sewer main in B Street to the site along the south side of Lot 5 within a public easement and then through another public easement over the flag pole portion of Lot 3, then to a manhole within the new public right of way of 23rd Court. The existing house on Lot 5 is already connected to the public sewer within B Street, which will remain.
- **Storm Drainage:** Storm drainage is available within the right of way of B Street just north of the subject site. As shown on the Preliminary Utility and Grading Plan on sheet 4, storm water will be collect from the site and conveyed underground to a water quality facility within Tract A. From there the treated water will be directed into the existing system within B Street by a new connection to the existing line just north of the site at a pre-development rate.
- **Fire Protection:** The site is provided service from city of Forest Grove. A new fire hydrant will be installed within the development as shown on sheet 4.

Public easements will be provided where needed to allow access to all public service lines.

VARIANCES

There are three Variances needed for this development. Variances are further addressed later within this narrative on page 16. Needed Variances are as follows:

- 1) *Variance for the side yard setback for the existing house on TL 800 adjacent to the new public right of way of 23rd Court.*
- 2) *Variance to the required width for the Public Utility Easement (PUE) along the south side of the new public right of way of 23rd Court (on TL 800).*
- 3) *Variance for the interior side yard setback for the existing house on Lot 5 (TL 300 – 2332 B Street) to the water quality facility to be contained within Tract “A”.*

Please see Exhibit “I”, which shows the PUE and its relation to the location of the existing house and the new right of way.

ARTICLE 2 LAND USE REVIEWS

LAND USE REVIEWS

10.2.030 CONCURRENT REVIEWS

Applications for more than one land use review on a site may be consolidated into a single application package. If the reviews are not assigned to the same review body, they are assigned in the manner stated below.

- A. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure and reviewed by the review body assigned to that procedure.
- B. When the requested reviews have the same procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies. For the purposes of this section, a joint hearing includes either holding a consolidated hearing before all applicable review bodies at the same meeting, or holding consecutive public hearings at the same location. The Director shall determine the manner of processing applications and conducting the hearings.

RESPONSE: The applicant is requesting three concurrent reviews with this request:

- 1) Property Line Adjustment - to get the developable land into one tax lot*
- 2) Subdivision - "Smith Orchard"*
- 3) Variances*

SITE DEVELOPMENT REVIEW

10.2.400 PURPOSE

The purpose of Site Development Review is to promote the general welfare and enhance the appearance and function of the City by careful attention to site planning. While the underlying zoning district determines whether a particular use is permitted, site development review focuses on how a particular use will be developed. Site Development Review will focus primarily on site planning and design elements of a project.

10.2.410 APPLICABILITY

Site development review is required for the following:

- A. All new development of vacant sites (with the exception of the exemptions listed below); or
- B. An expansion of 20% or more of the existing building square footage on the development site;
- C. A new parking lot or 20% expansion of an existing parking lot that is not associated with new commercial or multifamily development; or
- D. Any change of use (according to use table of applicable zoning district).
- E. As part of a Master Plan application (§10.4.100 et. seq).

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F. As part of a Conditional Use permit application (§10.2.200).

G. As part of a Design Review application (§10.2.300 et. seq).

RESPONSE: The applicant is proposing new development; therefore, these standards apply.

10.2.420 EXEMPTIONS

RESPONSE: No Exceptions are requested.

10.2.430 PROCEDURE

Site development review is categorized as a Type I procedure for one (1) single family detached dwelling on an individual lot; one (1) duplex on an individual lot; one (1) manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt.

10.2.440 SUBMITTAL REQUIREMENTS

In addition to the standard submittal requirements for a Type II application, the following plans and information are required for Site Development Review. The Director may waive specific submittal requirements at the pre-application conference, if warranted.

Site Development Plans shall be drawn to scale and fully dimensioned, and shall illustrate the following:

- A. Boundaries of the development site, with lot line dimensions and land area in square feet;
- B. Boundaries of lots adjacent to the development site, with general locations of existing buildings and driveways and description of current land uses;
- C. Existing contours of the development site at two (2) foot intervals for slopes of less than 10% and at ten (10) foot intervals for slopes of more than 10%. Additional contour data may be required by the Director for slopes greater than 20%.
- D. Major existing physical and natural features such as perennial and intermittent streams, wooded areas, marshes, rock outcroppings, and vegetative cover types;
- E. Environmental resource areas subject to the provisions in §10.8.305 and, where applicable, §10.5.005 et. seq. and environmental hazard areas subject to the requirements in §10.8.310.
- F. Individual trees or groves of trees subject to the provisions of §10.5.100 et. seq.
- G. Historic Landmarks subject to the provisions of §10.5.200 et. seq.
- H. Location, dimensions and heights of existing and / or proposed structures, including area in square feet and designation of existing and/or proposed use;
- I. Setback dimensions from buildings to lot lines and lot coverage as a percentage of total lot size;
- J. Location and dimensions of existing and/or proposed streets, driveways, transit facilities, sidewalks, trails, off-street parking and loading space, bicycle parking facilities, landscaped areas, recreation areas, and trash storage areas; K. Location of existing utilities and fire hydrants adjacent to the site, including the size of storm sewer, sanitary sewer and water lines;

- L. Location and names of public street, parks, utility rights-of-way and easements within or adjacent to the site;
- M. Location and types of proposed drainage, water and sewer facilities to serve the development;
- N. Elevation drawings of proposed buildings;
- O. Landscape plan depicting existing and proposed trees, shrubs, groundcover, irrigation and architectural features such as fences or walls. Proposed plantings shall be designated as to species, quantities, and size at time of planting;
- P. Location, character and dimensions of proposed signs and lighting; and
- Q. Locations and dimensions of all existing and proposed outdoor storage areas, including but not limited to trash storage and recycling areas.

RESPONSE: The applicant has provided a full Preliminary Plans set with plans detailing the items required above, including the existing conditions, contour elevations, the proposed preliminary plat and public facilities, including storm drainage, water and sanitary sewer to serve the development. There are no drainageways or natural features or resources on the site.

The homes on located at 2332 B Street and 2307 Gales Way are designated as EC in the Walker-Naylor Historic District and the home located at 2311 Gales Way is designated as NC in the District, all homes within the project site are to remain. All homes surrounding the site that are within the District (Covey Run to the north in not in the District) with exception of the houses located on TL 1101 and 1001 are designated as EC; the home on TL 1001 is designated NC and the home located on TL 1101 is designated NP. Samples of the styles of new homes anticipated are included as Exhibit G.

10.2.450 REVIEW CRITERIA

The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The site development plan complies with all applicable standards of the base zoning district, any overlay district, and the applicable general development standards of Article 8.

RESPONSE: The site design is in compliance with all of the applicable standards of the RLM zone for lot size and dimensions and for residential density. The applicant has provided full Preliminary Plans and has also addressed all the requirements of Article 8 to demonstrate how the proposed development can be built in full compliance with the city code and any other jurisdictional or agency requirements. Three Variances are needed to allow for the placement of public facilities, as further described later within this narrative.

- B. The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:

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1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and 2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.

RESPONSE: The layout and configuration of the lots take the surrounding existing development in the area. It is the intent of the applicant to allow for lots that have variation and can make the new homes fit onto each lot to maximize privacy and visibility of windows to adjacent homes. Full home plans will be submitted for review by the city.

- C. The site development plan preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:

1. Significant on-site vegetation and trees;
2. Prominent topographic features; and
3. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.

RESPONSE: There are no significant trees, topographic features or sensitive areas on the site, this standard does not apply to this request.

- D. The site development plan preserves or adequately mitigates impacts to designated historic resources.

RESPONSE: The future new homes will be designed to fit into the neighborhood and also to meet the design requirement of the Walker-Naylor Historic District. Lots are laid out to minimize the impact on the surrounding homes. The applicant is request single family detached homes for this site, which is what is existing in the neighborhoods to the south, east and west of the site. The site is being developed at minimum density to maximize the lot sizes to allow for custom designed homes that are in continuity with the existing neighborhood.

- E. The site development plan provides adequate right-of-way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right-of-way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

RESPONSE: The new street is proposed according to the Engineering Department's design requirements for a residential cul de sac, the city's detail is attached within the Appendix as Exhibit C. Because TL 1001 can be further divided in the future, 5.00 feet of future right of way will be left for when TL 1001 develops in the future.

- F. The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.

RESPONSE: The design of the site provides sidewalks along the new public right of way of 23rd Court. Sidewalks along the south side of the street and around the cul-de-sac bulb will be provided with this subdivision, the sidewalk along the north side will be finished when TL 1001 is developed in the future. All sidewalks will be paved with concrete and will be built to the city and ADA standards.

VARIANCE

10.2.700 PURPOSE

The variance procedure is intended to allow modification of specific standards contained in the Development Code. Requests to modify a yard setback, height or lot coverage standard by 20% or less are processed as Adjustments. The variance procedure is used when an applicant is requesting modification of more than 20% of a yard setback, height, or lot coverage standard, or modification of a standard not qualified for an Adjustment under §10.2.100. Requests for variances from the Floodplains and Flood Management Areas provisions of §10.8.315 shall be considered pursuant to §10.8.330 Variance Procedure.

The following regulations of the Development Code are not eligible for a variance:

- A. The uses permitted in the zoning district.
- B. Definitions.
- C. The minimum and maximum residential density allowed in a zoning district.
- D. Restrictions on uses or development that contain the word "Prohibited".
- E. A change in established procedures.

A variance may be permitted if the review authority finds that the applicant has complied with all review criteria.

RESPONSE: The regulations requested are eligible for variance and are needed to allow the site to be developed with the proper public infrastructure.

Variances requested are as follows:

- 1) Variance for the side yard setback for the existing house on TL 800 adjacent to the new public right of way of 23rd Court.***
- 2) Variance to the required width for the Public Utility Easement (PUE) along the south side of the new public right of way of 23rd Court (on TL 800).***
- 3) Variance for the interior side yard setback for the existing house on Lot 5 (TL 300 – 2332 B Street) to the water quality facility to be contained within Tract "A".***

10.2.710 PROCEDURE

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Variances are reviewed under the Type III procedure.

RESPONSE: *The applicant has requested approval of the needed variance through a Type III procedure.*

10.2.720 REVIEW CRITERIA

A. The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of or caused by the applicant or owner, such as financial circumstances;

RESPONSE: *The needed Variances are not a result of the prior actions of the applicant or the owners. These parcels have been owned by the current owners for generations, and the homes were built long before know development requirements, particularly for the needed public street, 23rd Court. The home at 2332 B Street was built in 1940 and the home at 2311 Gales Way was built in 1930 (2307 Gales Way was built in 1920).*

B. To meet the need, the request is the minimum necessary variation from the Code requirement; and

RESPONSE: *The requested Variances are the minimum necessary to make the develop function with the required public facilities, being the new public right of way, 23rd Court and the water quality facility within Tract "A". There are limited options for the layout of the site for single family detached homes due to the current site constrains.*

- 1) *2311 Gales Way - Even after adjusting to property lines and removing the existing garage to allow for the room needed for a public street, the existing house on TL 800 is too close to the new property line location to meet the required setback for a corner lot. The applicant asked for relief from this standard so the public street can be built.*
- 2) *Reduction to the PUE along TL 800 – Because the house is less than 10 feet from the new public right of way of 23rd Court, there is not sufficient room for the required public utility easement. The applicant proposes that the dry utilities be placed within the planter strip that is within the right of way at this location as an alternative to the 10 PUE in this location.*
- 3) *2332 B Street - The existing house on TL 300 will be too close to the interior side-yard property line, which is adjacent to Tract "A" which will contain the water quality facility. The facility is shown at the minimum size necessary to function and treat the new development. Storm Water calculations provided by Emerio Design are included with this request demonstrating the need for the sizing of the facility.*
The variances are needed to allow the site to be divided for the placement of single family homes, which is the kind of product that the applicant wants to develop and is far preferred by the surrounding neighborhood over multi-family or attached housing on the site.

C. The circumstances that apply to the site do not typically apply to other properties in the same vicinity or zoning district and are unique or unusual.

RESPONSE: *As shown in the Preliminary Plans, the site is very unusually shaped with irregular lines, with a portion of the site skewed to the southwest and a portion being due north. This parcel has been particularly difficult to layout due to the location of the existing homes which are in very good condition, have historical value and are to be retained with the development of the site.*

The two existing homes on Gales Way will not be a part of the subdivision development after the Property Line Adjustments are completed, which will be as soon as possible, and before the final stages of the subdivision plat. The existing home on B Street will be the parent parcel after the PLAs and will be retained on future lot 5 of Smith Orchard.

If strict application of the standard is applied for the side-yard setback to the home at 2311 Gales Way and for the PUE width, the applicant cannot place the public street at the required width per the city's engineering standards. If the standard for the interior side-yard between lot 5 and Tract "A" are explicitly adhered to, the applicant cannot place the water quality facility and the site cannot be developed without proper storm water management and treatment for the new homes and the new public street, 23rd Court.

There will be no impact from the approval of the requested Variances to other surrounding property owners as a direct effect of the granting of the variances, the affected properties are owned by the Turnbulls. Variance to the interior side-yard for the existing house at 2332 B Street will be adjacent to the water quality facility, which will not contain any structures in the future.

The proposed variances are a direct response to the existing built environment of the site, and are needed to be able to place the new public street and water quality facility.

ARTICLE 3 ZONING DISTRICTS

10.3.010 CLASSIFICATION OF ZONES

All areas within the corporate limits of the City of Forest Grove are divided into the following zones:
Multi-Unit (Low) Residential RML

RESIDENTIAL ZONES

10.3.110 LIST OF RESIDENTIAL ZONES

E. Residential RML

The RML zone is intended for development of housing at a target density of 12 dwelling units per net acre. Small-lot single family housing, duplexes, attached dwellings and small multi-dwelling residences will be permitted housing types, subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval. The RML zone functions as a transition zone between the lower density residential zones and the higher intensity residential and non-residential zones.

10.3.120 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

TABLE 3-2 Residential Zones: Use Table: Single Units, Detached - Permitted Use in RML

RESPONSE: The applicant is proposing single family detached housing, which is a use allowed outright in the RML zone.

10.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

A. Residential Densities

The City of Forest Grove regulates residential development primarily by density rather than minimum lot size. Density is calculated based on net site area. Within the density limits of each of the five residential zones, a variety of housing types and lot sizes are permitted. This approach allows more sites to be developed with the flexibility of a Planned Development.

All residential subdivisions and multi-family developments are required to develop at a minimum of 80% of the targeted density.

TABLE 3-3: Residential Zone Density Standards

Zoning District: RML - Target: 12 Minimum: 9.60 Incentive: 13.80

B. Calculating Potential Densities

The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.

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1. The Target Density is permitted outright.
2. The Minimum Density is required to ensure:
 - a. Land is being used at the appropriate intensity planned for the area;
 - b. Enough dwelling units can be developed to accommodate the projected need for housing; and
 - c. Compliance with the Metro Functional Plan.
3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see Article 4, Section 10.4.200).

RESPONSE: Per Table 3-3: Residential Zone Density Standards, the zoning District RML has a minimum of 9.60 units per net acre.

After the PLA's the subject area will contain 48,963 square feet or 1.12 acres gross. The new public street contains 9,002 square feet and the water quality facility within Tract A contains 3,484 square feet. The net area of the subdivision is 36,477 square feet or 0.83 acres.

$$0.83 \text{ net acres} \times 9.60 = 7.96$$

This proposal is for an 8-lot subdivision for the subject area of the site, meeting the minimum density requirements for the RML zone.

- C. Density Reductions Due to Slope
- D. Exemptions from Minimum Density Standard
- E. Incentive Density
- F. Minimum Lot Size and Dimensions (SR, R-10, R-7 and R-5 Zones)

RESPONSE: There are no slopes on the site, no exemptions from the density standards are needed, no incentive densities are proposed, and the subject site is within the RML zone, C - F is not applicable to this request.

- G. Minimum Lot Size and Dimensions (RML and RMH Zones) Varied lot sizes and housing types are permitted and encouraged within the density ranges established for the RML and RMH Zones. However, construction of new single family detached units is restricted to existing lots smaller than 5,000 square feet in the RMH Zone in order to retain land for multi-family housing. The following base minimum lot size and dimensional standards apply after the potential number of units has been determined using Table 3-3.

*TABLE 3-6 - Lot Dimensional Requirements: Moderate-to-High Density Residential
Housing Type Minimum Lot Size Lot Dimensions [1]
Single-family Detached:
Lot Size - 3,500 Square Feet; Depth - 70 feet; Width - 50 feet
(Lot width is measured at the front building line).*

RESPONSE: *Each new lot of the subdivision exceeds 3,500 square feet, as shown on the Preliminary Plat on Sheet 1 of the Preliminary Plans. The smallest lots are Lots 1, 2 and 8, all being just over 3,500 square feet.*

All proposed lots meet or exceed the minimum lot width of 50.00 at the front building line, with Lots 1, 2, 6, 7 and 8 all being exactly 50.00 feet wide at the building line. Lot 6 will have a front building line oriented toward the north, as shown on the Preliminary Site Plan on sheet 3.

All lots meet or exceed the required lot depth of 70 feet, with the shallowest lots being Lots 1 and 8 at 70.00 feet deep.

Tax Lot 800 will be 4,307 square feet in area, 98 feet deep and 50 feet wide at the building line; Tax Lot 1000 will be 98 feet deep, exceed 50 feet in width and contain 8,719 square feet after the PLAs.

H. Setback Standards

Building setbacks have an important relationship to the character of the street. Because varied lot sizes and housing types are permitted in the residential zones, uniform setbacks are established to provide a consistent streetscape.

Per TABLE 3-7: Setback Requirements for the site are:

Front Yard, Dwelling: 20 feet (possible reduction to 14 feet) Front Yard, Garage: 20 feet

Interior Side Yard: Either 5 feet or 1 foot for each 3 feet of building height, whichever is greater

Corner Side Yard: Same as front yard

Rear Yard: 15 feet or 2 feet for every 3 feet in building height at the eave line, whichever is greater.

RESPONSE: *As shown on the included Preliminary Site Plan on Sheet 3, all of the anticipated new homes will meet the required setbacks. The homes will be designed to meet the standards of footnote [1] "the front yard setback (for the dwelling or dwellings) may be reduced to 14 feet when the front facade is designed for orientation to and visibility from the street". Each new home for each lot will be custom designed for the individual lot to maximize the use of each lot due to their irregular shape in some instances, but more importantly to meet the design standards of the Walker – Naylor Historic District.*

The rear yard setback will be determined by the height of the eaves of the future homes, 15 foot minimum setbacks are anticipated but could vary. Setbacks shown on sheet 3 are typical and are shown at 7.00 feet – ultimately the actual side-yard setbacks will be determined by the future homes and will be concluded with the Building Permit for each new home for the new lots.

The existing home at 2311 Gales Way will meet the required setback for the home with 6.19 feet to the new property line on the side-yard. There is a one-story detached garage on that parcel, which will be retained with a zero-lot line, which meets the setback requirements per Table 3-7 footnote [4] "Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height may be located on or within five (5) feet of an interior side yard property line or a rear property line."

The existing home at 2332 B Street will not meet the standard setback after development of the site, due to the extreme site constraints that are inherent with this site. The requirements for Variances are addressed within this narrative on page 16.

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, R-10, R-7, R-5 and RML Zones are limited to a maximum height of two and one half (2 ½) stories or thirty-five (35) feet, whichever is less.
2. Buildings in the RMH Zone are limited to a maximum height of three (3) stories or forty-five (45) feet, whichever is less. A step-down in building heights may be required for multi-family building(s) that abut a lower density residential zone.

The need for a step down in building heights to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process.

RESPONSE: The future new homes for each lot will not exceed 2 ½ stories in high.

3. A chimney, radio or television antenna, or device designed for the collection and/or generation of energy from the sun and/or wind may exceed the building height limit by a maximum of fifteen (15) feet.

RESPONSE: No chimneys or antennas are proposed.

4. Church steeples may exceed 35 feet in height through a Type II process. The maximum height is 15 feet above the building height limit in any location allowed by other requirements of the zone district. Church steeples may go to a maximum total height of 75 feet provided that setbacks of 1 foot for each 1 foot in height from the property line are maintained.

RESPONSE: No steeples are proposed.

10.3.140 RESIDENTIAL DESIGN STANDARDS

All residential development is subject to the design standards found in Section 10.8.880.

RESPONSE: The future homes will meet the design requirements of 10.8.880 and of the Walker – Naylor Historic District.

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Article 5 – SPECIAL PROVISIONS

SOLAR ACCESS

10.5.400 PURPOSE

Solar energy can make a significant long-term contribution to the City's energy supply. The provisions of this section apply to the division of land in single family residential zones to ensure that land is divided with consideration of orientation for solar access.

10.5.405 APPLICABILITY

The solar design standard shall apply to applications for subdivisions in all residential zones, except to the extent the approval authority finds that exemptions or adjustments provided for in Section 10.5.420 are warranted.

10.5.410 PROCEDURE

Compliance with the solar access provisions shall be determined through the Type II review of the tentative subdivision plat.

10.5.415 DESIGN STANDARD

At least 80% of the lots in a development subject to this section shall comply with one or more of the following options:

A. Basic Requirement (See Solar Lot Option 1 below). A lot complies with this section if it:

1. Has a north-south dimension of 90 feet or more; and
2. Has a front lot line that is oriented within thirty (30) degrees of a true east-west axis.

RESPONSE: Lot 6 is the only lot that meets the basic standards for Solar Access.

B. Protected Solar Building Line Option (See Solar Lot Option 2 below). A lot complies with this section if a solar building line is used to protect solar access as follows:

1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat; and
2. The protected solar building line for the lot to the north is oriented within thirty (30) degrees of a true east-west axis; and
3. There is at least seventy (70) feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and

4. There is at least forty-five (45) feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

RESPONSE: The proposed lots are in a higher density zone and are not of adequate size to apply a protected solar line.

C. Performance Option. A lot complies with this section if:

1. Habitable structures built on the lot will have their long axis oriented within thirty (30) degrees of a true east-west axis and at least 80% of their ground floor south wall protected from shade by structures and non-exempt trees; or
2. Habitable structures built on that lot will have at least 32% of their glazing and 500 square feet of their roof area which faces within thirty (30) degrees of south and protected from shade by structures and non-exempt trees.

RESPONSE: Lot 6 is the only lot that meets the basic standard for solar access. There rest of the lots will apply the Performance Option requirements of C.2., above, with the new homes.

Article 6 – LAND DIVISIONS

LOT LINE ADJUSTMENTS

10.6.015 PURPOSE

This section provides the opportunity for adjustment of a common boundary between two lots. A lot line adjustment does not result in the creation of a new lot.

RESPONSE: The reason the applicant is requesting the three Property Line Adjustments is because the majority of the vacant land that is to be developed is contained within the parcel addressed at 2307 Gales Way (TL 1000) and contains an existing house. It is the intent of the applicant to get all of the developable land into TL 300, which also contains an existing house that will remain on Lot 5. Tax lot 300 is important to the project because the public sanitary sewer and the storm drainage systems are both within the right of way of B Street, so the areas on both the north and the south sides of the existing house on TL 300 need to be utilized in order to access these necessary services, so it made more sense to make TL 300 a part of the subdivision and reconfigure the existing property line to exclude the homes on TLs 800 and 1000 from the subdivision portion of the project.

TL 1000 accesses to Gales Way by a driveway to the south of TL: 800 and also has a 14.98 foot wide flag pole on the north side of TL 800 to Gales Way, which is where the new public street needs to be. It appears that past owners were trying to maintain access to Gales Way by way of this flag pole, but the flag pole does not contain sufficient land area to accommodate even the smallest of public streets. Because there is room between the existing houses on TLs 800 and 1000, all of the lines of those tax lots can be shifted to the south to allow for 45.00 feet of width for a new public street, with the remaining 5.00 feet left for future development of TL 1001. After shifting the lines, TL 800 will have 50.00 feet of width at the building line, as shown on the PLA exhibits, which meets the requirements for lot width for the RML zone and the line will maintain its current position beyond the house, to allow for the garage to stay with TL 1000 and an access easement will be placed over the existing driveway area for the benefit of TL 1000.

The next important PLA is to move the existing rear property line of Tax Lot 300 to be re-positioned to be the rear line for TL 1000, essentially trading the developable land area from TL 1000 to TL 300.

10.6.020 PROCEDURE

Lot line adjustments shall be processed under the Type I procedure.

10.6.025 APPLICATION REQUIREMENTS

An application for a lot line adjustment consists of a completed application, signed by all property owners involved in the proposed adjustment, and a map showing the following details:

- A. The scale, north arrow and date of the map.
- B. The tax map and lot number identifying each parcel involved in the adjustment.
- C. The location, width and purpose of any easements and driveway access to public right-of-way, existing or proposed.
- D. The area, before and after the lot line adjustment, of each parcel.
- E. The proposed property lines and dimensions of each parcel.
- F. Existing and proposed utility services and stub locations, including water, sanitary sewer, drainage, power, gas and telephone.
- G. Adjacent rights-of-way, with width shown.

RESPONSE: A map showing the proposed reconfiguration of the property lines is included within the Appendix of this request as Exhibit H. The PLA involves three tax lots, 300, 800 and 1000.

10.6.030 REVIEW CRITERIA

The Director shall approve or deny a lot line adjustment based on the following criteria:

- A. An additional parcel is not created by the lot line adjustment, and the parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the zoning district.

RESPONSE: There are three existing tax lots subject to this proposed Property Line Adjustment, there will be three tax lots after the PLA, no additional parcels will be created with the approval of the PLA.

- B. The resulting parcels conform to the dimensional standards of the zoning district, including:
 - 1. The minimum width of the lots shall meet the requirements of the applicable zoning district; and
 - 2. Setbacks shall be as required by the applicable zoning district.

RESPONSE: Tax Lot 800 will be 50.00 feet wide at the building line and 98 feet deep and will be approximately 4,180 square feet. Tax Lot 1000 will be 8,719 square feet, 98 feet deep and will exceed 50 feet at the building line, after the PLAs.

SUBDIVISIONS

10.6.095 PURPOSE

Land division review procedures for subdivision are established for the following purposes:

- A. Ensure building sites are of sufficient size and appropriate design for their intended uses and lots to be created are within density ranges permitted by the Comprehensive Plan;
- B. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;
- C. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- D. Create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and
- E. Promote energy efficiency.

10.6.100 PROCEDURE

Subdivisions are reviewed through a two-step procedure. A tentative plat for a subdivision is reviewed through the Type II procedure primarily for design aspects, connections to existing and future streets, preservation and natural features, drainage and floodplain considerations, and compliance with other requirements of this Code. General compliance with the public improvement standards of Article 8 is assessed at the tentative plat review stage.

The final subdivision plat is reviewed through the Type I procedure for conformance with the approved tentative plat and conditions, and applicable state or county laws or rules. Detailed and specific compliance with the public improvement standards of Article 8 is assessed at the final plat review stage. An Oregon-licensed land surveyor must prepare the tentative and final plats.

Refer to Article 1 for information on Type I and Type II procedures.

RESPONSE: The applicant has applied for this Property Line Adjustment and Preliminary Plat approval through a Type II procedure. The applicant or assigns will make a new land use application for the Final Plat, under a Type I procedure.

10.6.105 APPLICATION REQUIREMENTS FOR TENTATIVE PLAT REVIEW

A. Application.

Applications shall be made on forms provided by the Director. The person filing the application must be the owner or a person having an interest in the land to be included in the subdivision. If the development is to include a territory with more than one ownership, the application must be submitted jointly and be signed by all of the owners or persons having an interest in each of the separately owned properties to be included.

The application shall be accompanied by the following:

1. One (1) copy of the narrative on 8 ½ x 11 inch sheets;
2. Four (4) sets of full-scaled black line drawings of the tentative plat and any other graphic(s), with a sheet size not to exceed 24 x 36 inches. One set of the graphics shall be reduced to fit on 8 ½ x 11-inch sheets of paper. Graphics and related names/numbers must be legible on this sheet size. When necessary, an overall plan with additional detail sheets may be submitted.

B. Graphics. A tentative subdivision plat application shall include the following information where applicable:

1. Public notice map

RESPONSE: A reduced set of the Preliminary Plans are included within the Appendix of this narrative as Exhibit A.

2. Existing land use map. Typically an aerial photo that extends at least 500 feet beyond the site boundaries shall be submitted unless the Director accepts a different map type and/or extent. This map includes building footprints and makes a distinction between residential, commercial and industrial land uses, as well as noting other significant features such as roads, drainageways, parks, transit stops and schools.

RESPONSE: The included Preliminary Plans and Aerial Photograph on sheet 5.

3. Tentative subdivision plat and other graphics drawn to scale and containing sheet titles, date, north arrow, and legend placed in the same location on each sheet and containing the following:
 - a. Name and address of owner(s) of record, applicant, and registered land surveyor who prepared the plat;
 - b. Sufficient description to define location and boundaries of the development site;
 - c. Location and use of adjacent structures within 150 feet of the development site;
 - d. Number of lots and their dimensions including frontage, depths, and area in square feet;
 - e. General locations of existing and proposed structures including building types and gross density per acre and proposed use restrictions. An indication of approximate building envelopes may be required where necessary to evaluate building relationships;
 - f. General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;
 - g. Existing and proposed general circulation system including bikeways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate;

- h. Existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system and indicating proposed treatments of points of conflict;
- i. Existing and proposed utility systems including sanitary sewer, storm sewer, drainageways, and water;
- j. Identification of significant natural features including heavily wooded areas and significant trees;
- k. Topographic contours at two (2)-foot intervals for slopes under 20% and at five (5)-foot intervals for slopes at or greater than 20%. Where the grade of any part of the subdivision exceeds 10% or where the subdivision abuts existing developed lots, a conceptual grading plan may be required to show features affect the subdivision and adjacent areas. If a grading plan is required, it shall show how runoff or surface water from individual lots will be managed and ultimate disposal of all subdivision surface waters;
- l. Approximate location of proposed easements and/or dedications for drainage, sewage, or other public utilities;
- m. Location of waterways and drainageways, showing top of existing banks and channel depth, and if requested, a separate sheet showing cross section at fifty (50)-foot intervals of all such watercourses; and
- n. For residential development, identification of which lots are intended to have solar access protection.

RESPONSE: The included Preliminary Plans show the required information for 3.a - l, above. There are no water courses or significant natural resources on the site and the new. Lots that do not meet the Solar Standard will apply a Performance Option, addressed on page 22 on this narrative report. The CWS Service Provider Letter is included within the Appendix as Exhibit E. New lot areas are described in the project description, on page 8 of this narrative.

- 4. The Director may waive any of the above requirements when determined the information required by this section is unnecessary to properly evaluate the proposed development. The Director may also require additional information, if determined necessary, to adequately evaluate the proposal.

C. Narrative. A written statement shall include:

- 1. Proposed uses and development objectives;
- 2. Statement of on-site and off-site improvements to be constructed or installed, date of their anticipated completion, and availability of off-site rights-of-way and/or easements to the site to allow extension of off-site improvements to the site. Improvements include:
 - a. Domestic water supply;
 - b. Sewage disposal, storm drainage, and flood control;
 - c. Pedestrian, bicycle and vehicular access;

- d. Maintenance of common areas, if proposed; and
- e. Landscaping.

RESPONSE: *The site has access to all public facilities as described in the "Proposed Project" portion of this narrative on page 7 and also as shown on the Preliminary Utility Plan on sheet 4 of the Preliminary Plans.*

Water is available within the right of way of Gales Way and will be extended to the site through the new public street. Sanitary sewer is available within the right of way of B Street and will be extended to the site through an easement along the south side of TL 300 on the south side of the existing house.

Sanitary sewer is available within B Street. A public line will be extended through the site to serve the new lots.

Storm sewer is available within B Street, storm water will be collected from the site and conveyed underground to a Water Quality Facility within Tract A, where it will be treated and detained before being released into the existing system in B Street.

No Common areas are proposed. Tract A will be for water quality and will be dedicated to the city with the final subdivision plat.

No landscaping is proposed, other than street trees and grass within the planter strips and as required by CWS for Tract A, as shown on the Preliminary Site Plan on sheet 3.

3. General description of intentions concerning timing, installation and maintenance responsibilities, and assurances for all public and non-public improvements and facilities, such as irrigation, private roads and drives, landscape, and open space, water quality and stormwater detention facilities and sensitive land buffers;

RESPONSE: *The applicant plans to construct the site improvements as soon as the engineering and construction documents can be submitted and approved by the city. The applicant or his assigns will provide financial assurances for the improvements as a part of the final permitting process for the on-site improvements.*

4. General data not included on the tentative plat such as:
- a. Total number and type of dwelling units;
 - b. Lot sizes;
 - c. Proposed lot coverage of buildings and structures where known;
 - d. Densities per net acre;

- e. Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas); and
- f. Total amount of nonresidential construction.

RESPONSE: *This proposal is for 8 lots for the use of single family detached dwelling units. Lot sizes are shown on the Preliminary Plat on sheet 1. Lots 2, -4 and 7 all have flag poles – lot sizes for those lots subtracting the flag pole are as follows:*

Lot 2 = 3,592; Lot 3 = 4,800 SF; Lot 4 = 5,050 SF and Lot 7 = 3,874 SF. All of the lots exceed the minimum lot size of 3,500 SF for the RML zone.

The requirements for the RML zone are addressed in detail on page 14 of this narrative, including the number and type of proposed units (7 new future single family detached homes and retention of the existing house on Lot 5), lot sizes and density. No open space or non-residential areas are proposed.

- 5. Any proposed Conditions, Covenants and Restrictions (CC&Rs)

RESPONSE: *No CC&Rs are proposed at this time. If the future builder wants CC&Rs for the subdivision, they will be submitted with the final plat for review.*

- 6. How the proposed project meets each of the approval criteria.

RESPONSE: *How the proposal meets the approval requirements of the city's Development Code are addressed in detail within this narrative and within the included Preliminary Plans.*

- D. An application for a subdivision within the City of Forest Grove must include a certification from the City Engineer and Light and Power Director for electricity as follows:

- 1. Certification from the City Engineer and Light and Power Director on forms provided by the City that the following are available to the site:
 - a. Municipal water with legal access to the site and sufficient volume and pressure to serve the proposed development.
 - b. Sanitary sewer with legal access to the site and sufficient treatment plant capacity and line capacity to serve the proposed development.
 - c. Storm sewer with legal access to the site and sufficient line capacity to adequately provide the necessary drainage.
 - d. Road access with available public right-of-way and capacity to serve the proposed development.
 - e. Electrical power with legal access to the site and sufficient capacity to serve the development.

RESPONSE: *Included is a statement from the City Engineer noting that the items required by 1,a.-e, above are available to the property.*

10.6.110 TENTATIVE PLAT REVIEW CRITERIA

Type II approval of a tentative subdivision plat will be granted if the Director finds that the applicant has met or can meet all of the following criteria without reliance on other parties not associated with the subject development, unless agreements with such other parties are in place prior to project approval to the satisfaction of the Director:

A. The tentative subdivision plat complies with all applicable requirements for submittal.

B. The subdivision plat complies with all applicable standards and design requirements of this Code.

RESPONSE: As demonstrated in the Preliminary Plans, generated by the applicant's engineer, Emerio Design, and this narrative, along with other support information attached with the Appendix of this report, the subdivision plat complies with all applicable requirement.

C. Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and addressed in the design of the tentative plat.

RESPONSE: There are no special features on the site, aside from its irregular configuration.

D. All lots shall be suitable for their intended use. No parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the occupants of such lot or subdivision.

RESPONSE: As shown on the Preliminary Site Plan on sheet 3, the lots are all suitable for the intended use, which is for single family detached dwelling units. Each home will need to be individually designed for each lot due to the irregular shape of the parent parcel and in turn each lot. The Preliminary Site Plan was made to show how a home of approximately 1,600 to 2,000 square feet will fit onto each new lot, still allowing for room for the appropriate setback (shown on the plan on sheet 3 are 7 foot setbacks), driveways and yard areas. Tract A is intended for the use of water quality and treatment.

E. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

RESPONSE: This proposal will fully develop the entire site.

F. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

RESPONSE: The new public street will allow for future access for TL 100, which could be divided in the future. 5.00 of right of way will be needed from TL 1001 at the time of development to complete the public right of way. All utilities will be available for TL 1001 if it develops in the future, including storm drainage, which is not easily accessible to that parcel currently.

G. The proposed street plan provides safe, convenient and direct options for pedestrian, bicycle and vehicular circulation.

H. Adequate public facilities are available to or within the site, including sufficient legal access, or can be provided by the applicant to serve the proposed subdivision.

RESPONSE: The new street will be designed and constructed to the city's standards for a cul de sac street, please see detail included in the Appendix as Exhibit C. All public facilities will be extended to serve the site, as shown on sheet 4, Preliminary Utility Plan.

I. Protection and assurance of access to incident solar radiation and/or wind as defined by ORS 92.044 for potential electrical generation or mechanical application.

RESPONSE: The future homes can access solar by roof panels if off-grid electrical is desired by future home owners.

Article 8 - GENERAL DEVELOPMENT STANDARDS

ACCESS AND CIRCULATION

10.8.100 PURPOSE

The purpose of this section is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site, including pedestrian circulation.

10.8.105 APPLICABILITY

- A. When Provisions Apply. The provisions of this article shall apply to all development, including the construction of new structures, and the remodeling or new structures or a change of use which increases the on-site parking or loading requirements or which changes the access requirements.
- B. When Site Plan/Design Review Is Not Required. Where the provisions of site plan review or design review do not apply to the proposed developments, the Director shall approve, approve with conditions, or deny an access plan submitted under the provisions of this Article in conjunction with another permit or land use action.
- C. Conflict with Land Division Requirements. The requirements and standards of this article shall not apply where they conflict with the land division rules and standards of Article 6.

RESPONSE: This proposal is for new development; therefore, these standards apply.

10.8.110 GENERAL PROVISIONS

- A. Continuing Obligation of Property Owner. The provision and maintenance of access and egress stipulated in this section are continuing requirements for the use of any structure or parcel of real property in the City.

RESPONSE: The only share access area is the driveway to be shared by Lots 3, 4 and 6. This driveway will have a reciprocal access and utility easement over its entirety and will be jointly maintained by the owners of those lots. A Maintenance Agreement will be provided to the city for review with the Final Plat application for the subdivision.

- B. Access Plan Requirements. No building or other permit shall be issued until a scaled site plan is submitted that shows how access, egress and circulation requirements are to be fulfilled. The Director shall provide the applicant with information about the submittal requirements for an access plan.

RESPONSE: The applicant has included full Preliminary Plans with this request, including a Preliminary Site Plan showing all lots are accessed.

- C. Joint Access. Owners of two or more uses, structures, or parcels of land may agree to jointly use the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies their requirements as designated in this Article, provided:

1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and
2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the City.

RESPONSE: The driveway over the flag pole portion of lots 3 and 4 will be shared by Lots 3, 4 and 6. A Maintenance Agreement will be provided to the city for review with the Final Plat application for the subdivision and will be recorded with the subdivision plat with the Washington County Recorder.

- D. Public Street Access. All vehicular access and egress shall connect directly with a public or private street approved by the City for public use, except where joint access is provided through adjacent or other property which is connected to a street. Vehicular access to a residential use shall be provided within the same lot for single-family and two-family dwellings, and within the same lot or development for multi-family dwellings. Access to multi-family units shall avoid being located through single family residential areas before being connected to a collector or arterial as designated by the City's Transportation Plan.

RESPONSE: As shown, all lots have direct access to a public street, lot 5 will access to B Street and the remainder of the lots in the subdivision and TL 800 will access on the new public street, 23rd Court.

- E. Transit Agency Referral. The City shall submit all development proposals located along the Pacific Avenue/19th Avenue transit corridor to Tri-Met for review and comment regarding facilities necessary to support transit. The following facilities may be required as a condition of a permit:

1. Walkways to transit stops;
2. Bus stop shelters or waiting areas;
3. Turnouts for buses.

RESPONSE: The subject site is not within the Pacific/19th transit corridor, this standard does not apply.

- F. Where hard surfaces are stipulated by these requirements, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.

RESPONSE: The new street will be constructed as denoted in the "Residential Cul De Sac Detail – 24' Street" within the City Engineer's Standard Details, included within the Appendix as Exhibit C.

Future driveways for lots 1-4 and 6-8 will be constructed of concrete and the new driveway for lot 5 will be either asphalt or concrete and all will be to the standards of the city engineer. Full construction plans will be submitted for review and approval as a part of the development process.

G. Landscaped areas should include water quality features such as bio-swailes or wetlands, trees, grass, shrubs, and other plant material when possible so as to cover landscape areas.

RESPONSE: A Landscaping Plan for the water quality area within Tract A will be provided with the final engineering and construction documents for the site.

10.8.115 ON-SITE PEDESTRIAN WALKWAYS

A. Required Walkways. On-site pedestrian walkways are required as follows:

1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps, or elevators of all commercial, institutional, and industrial uses, to the public sidewalk or curb of the public street or streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional, and industrial complexes. Walkways shall be constructed between a new development and neighboring developments. If connections aren't currently available, then planned connections shall be designed to provide an opportunity to connect adjoining developments.
2. The maximum distance between a parking space and a walkway shall not exceed forty-five (45) feet. All walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of walkways shall be firm, stable and slip resistant.
3. Required walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes. Lighting and or signs may be required for walkways for safety purposes.
4. Whenever required walkways cross vehicle access driveways or parking lots, such crossings shall be designed and located for pedestrian safety. Required walkways shall be physically separated from motor vehicle traffic and parking by either a minimum six (6)-inch vertical separation (curbed) or a minimum three (3)-foot horizontal separation, except that pedestrian crossings of traffic aisles are permitted for distances no greater than thirty-six (36) feet if appropriate landscaping, pavement markings, or contrasting pavement materials are used.

Walkways shall be a minimum of four (4) feet in width, exclusive of vehicle overhangs and obstructions such as mailboxes, benches, bicycle racks, and signposts, and shall be in compliance with ADA standards.

RESPONSE: The only walkways proposed are the sidewalks along the cul de sac bulb and the south side, as shown on the Preliminary Site Plan on sheet 03. All sidewalks will be 5.00 feet wide and paved with concrete to the city's standards and in compliance with ADA standards.

10.8.120 MINIMUM ACCESS REQUIREMENTS FOR RESIDENTIAL USES

A. Direct Access to Arterial Streets from a residential dwelling established after the effective date of this Code is prohibited. The City may permit direct access to an arterial for lots of subdivisions approved prior to the effective date of this Code, and for multi-family residential complexes if the access is designed to local residential street standards.

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TAX LOTS 300, 800 & 1000 ASSESSOR'S MAP 1N4 36DA, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

- B. Single-Family Dwellings and Duplexes shall be required to have one driveway, fully improved with hard surface pavement, with a minimum width of 10 feet.
- C. Service Drives for Multi-Family Dwellings shall be fully improved with hard surface 1. 12 feet when accommodating one-way traffic, or 2. 20 feet when accommodating two-way traffic. In no case shall the design or said service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street.
- D. Private Residential Access Drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.

RESPONSE: Lots 1, 2, 7 and 8 will each have an individual driveway that is at least 12.00 feet wide. Lots 3, 4 and 6 have a shared driveway that is 20.00 feet wide within the easement areas and then each of those homes will have an individual driveway of 12.00 wide and the driveway for the home on lot 4 will have a back-up area. No service drives are proposed.

- E. Dead End Access Drives In Excess Of 150 Feet shall be provided with approved provisions for the turning around of fire apparatus by one of the following:
 - 1. A circular, paved surface having a minimum turn radius measured from center point to outside edge of thirty-five (35) feet; or
 - 2. A hammerhead, paved surface with each leg of the hammerhead having a minimum depth of forty (40) feet and a minimum width of twenty (20) feet.
 - 3. The maximum cross slope of a required turnaround is 5%.

RESPONSE: No dead-end access drives are proposed. The shared driveway for Lots 3, 4 and 6 is less than 100 feet in length.

- F. Driveway Grades shall not exceed a maximum of 20%.

RESPONSE: The site is practically flat in the areas of driveways, there are no grades in excess of 20%.

LANDSCAPING, SCREENING AND BUFFERING

10.8.400 PURPOSE

The purpose of this section is to establish standards for landscaping, buffering, and screening of land use within Forest Grove in order to enhance the aesthetic and environmental quality of the City:

- A. By requiring street trees in new developments;
- B. By using plant materials as a unifying design element;
- C. By using plant materials to define spaces and articulate the uses of specific areas; and

D. By using trees and other landscape materials to mitigate the effects of noise and lack of privacy and provide buffering and screening.

RESPONSE: The landscaping area for this site will be along the new cul de sac with street trees and a grass planter strip and within the water quality facility within Tract A. More detailed landscaping plans will be provided with the final engineering and construction documents for review and approval.

10.8.405 APPLICABILITY

A. Applicability. The provisions of this section shall apply to all new development and to a change of use that result in the need for increased on-site parking.

B. When Site Development/Design Review Does Not Apply. Where the provisions of Site Development Review or Design Review do not apply, the Director shall approve, approve with conditions, or deny a landscape plan submitted under the provisions of this section by means of a Type I procedure.

C. Landscape Plan. The applicant shall submit a landscape plan. The Director shall provide the applicant with information on the submittal requirements.

RESPONSE: More detailed plans for the areas to be landscape with street trees, grass or within Tract A will be provided as a part of the final engineering approvals and permitting.

10.8.410 GENERAL PROVISIONS

A. Obligation to Maintain. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

RESPONSE: The only landscaped area that will require maintenance above the regularly required obligation of owners adjacent to right of ways for the planter strip will be within Tract A. The applicant or his assigns will maintain the landscaping within Tract A per the required maintenance agreement with the city that is a part of the permitting and bonding for the construction. After the maintenance period, Tract A will be owned and maintained by the city.

B. Ground Preparation. The ground in all required landscaped areas should be properly prepared with suitable soil and fertilizer. Specifications shall be submitted with the landscape plans showing that adequate preparation of the top soil and sub-soil will be undertaken prior to planting to support the plantings over a long period of time.

C. Installation Requirements. The installation of all landscaping shall be as follows:

1. All landscaping shall be installed according to accepted planting procedures and the provisions of this article;

2. The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock;
3. All required landscaped areas must be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman.

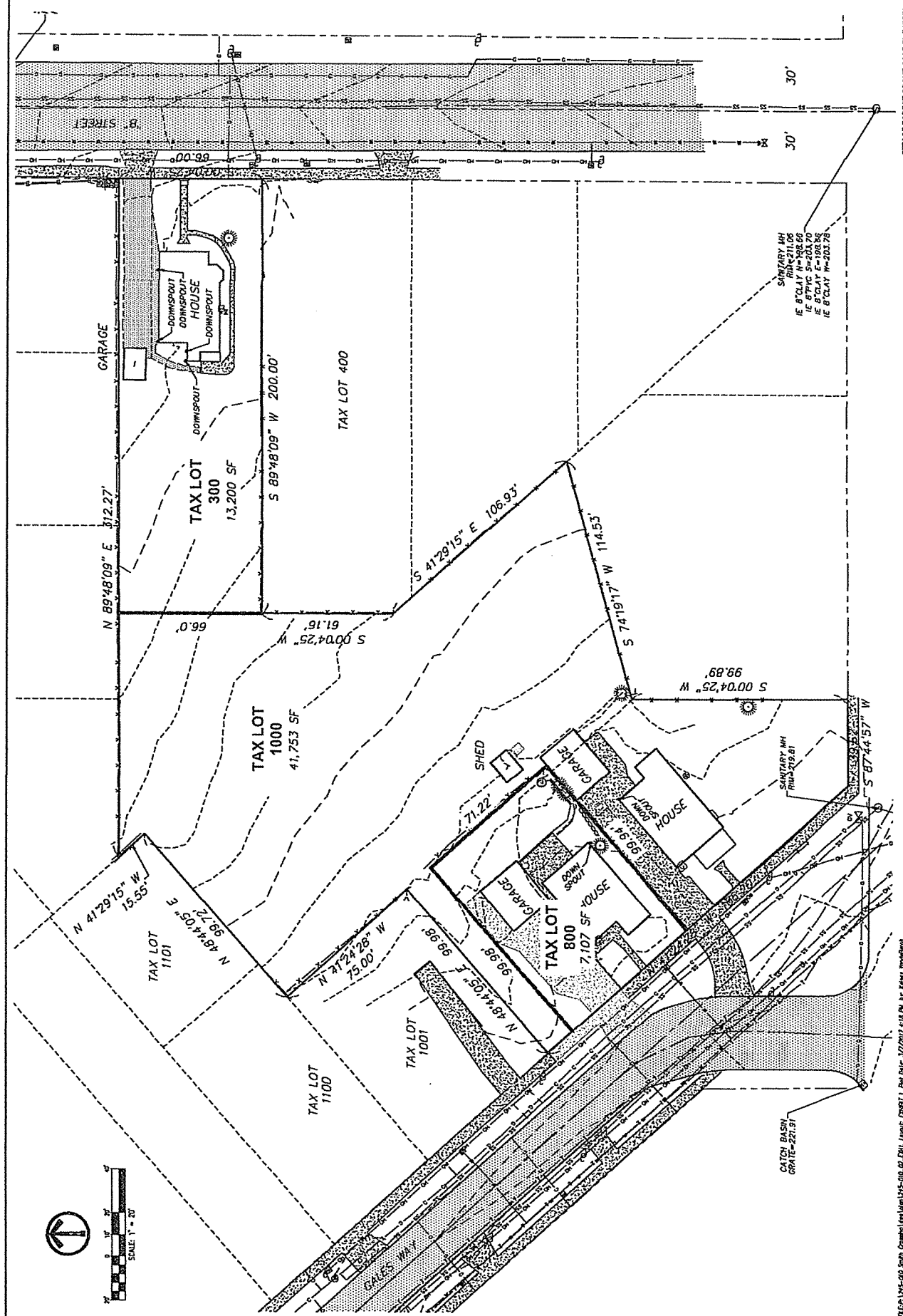
RESPONSE: The applicant will hire landscaping crews to provide the landscaping as a part of the site construction. It is anticipated that the landscaping will be installed under the supervision of the general contractor building the site. Final Landscaping Plans will be submitted for review and approval by the city as a part of the final construction documents.

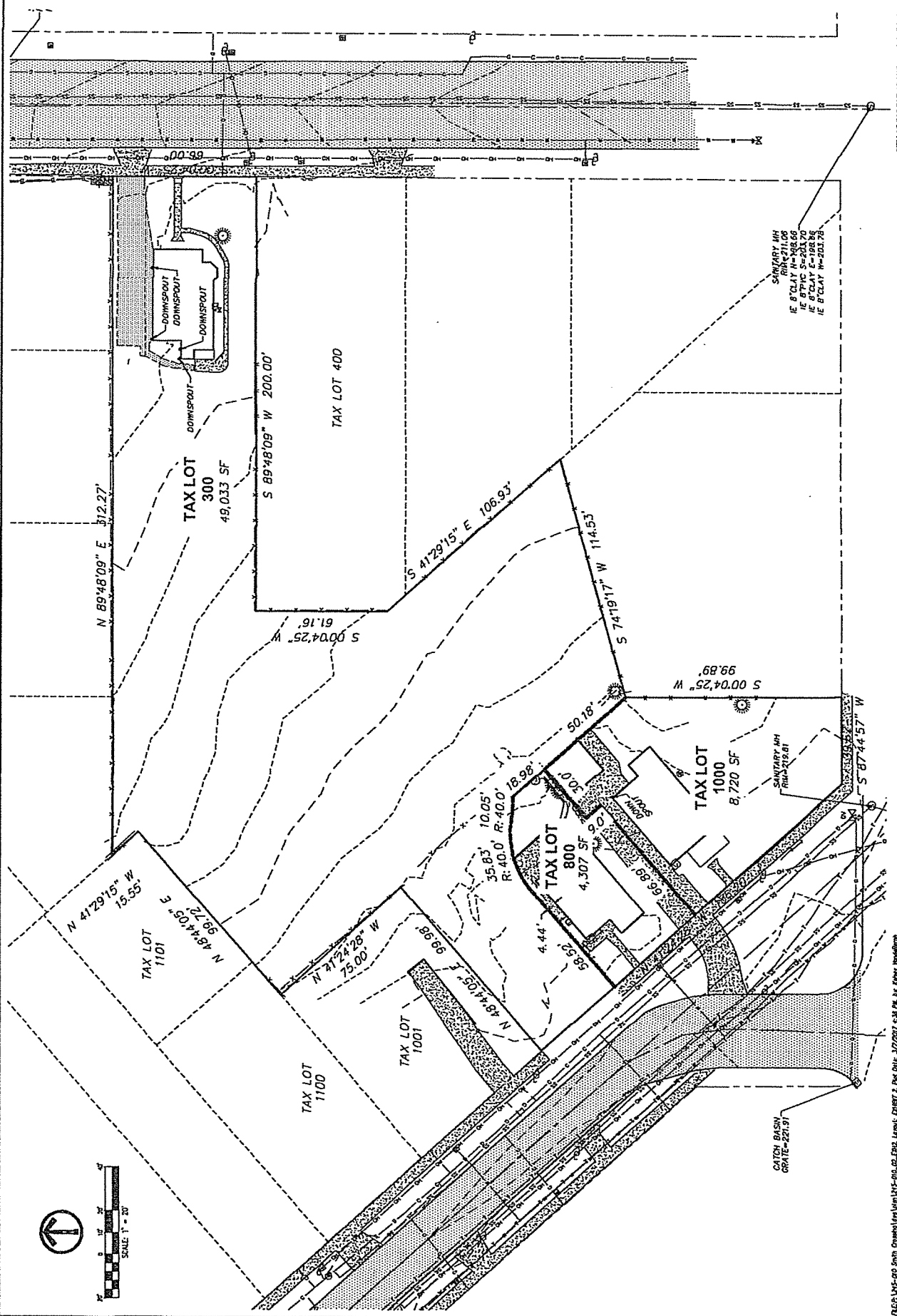
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REVISIONS			

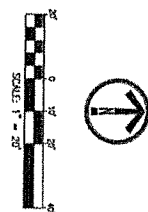
EXISTING PROPERTY
LINES AND TAXLOTS

SMITH FARM CROSSING
8-LOT SUBDIVISION
TAX MAP 1N436DA
TAX LOTS 300, 800, AND 1000
CITY OF FOREST GROVE, OREGON

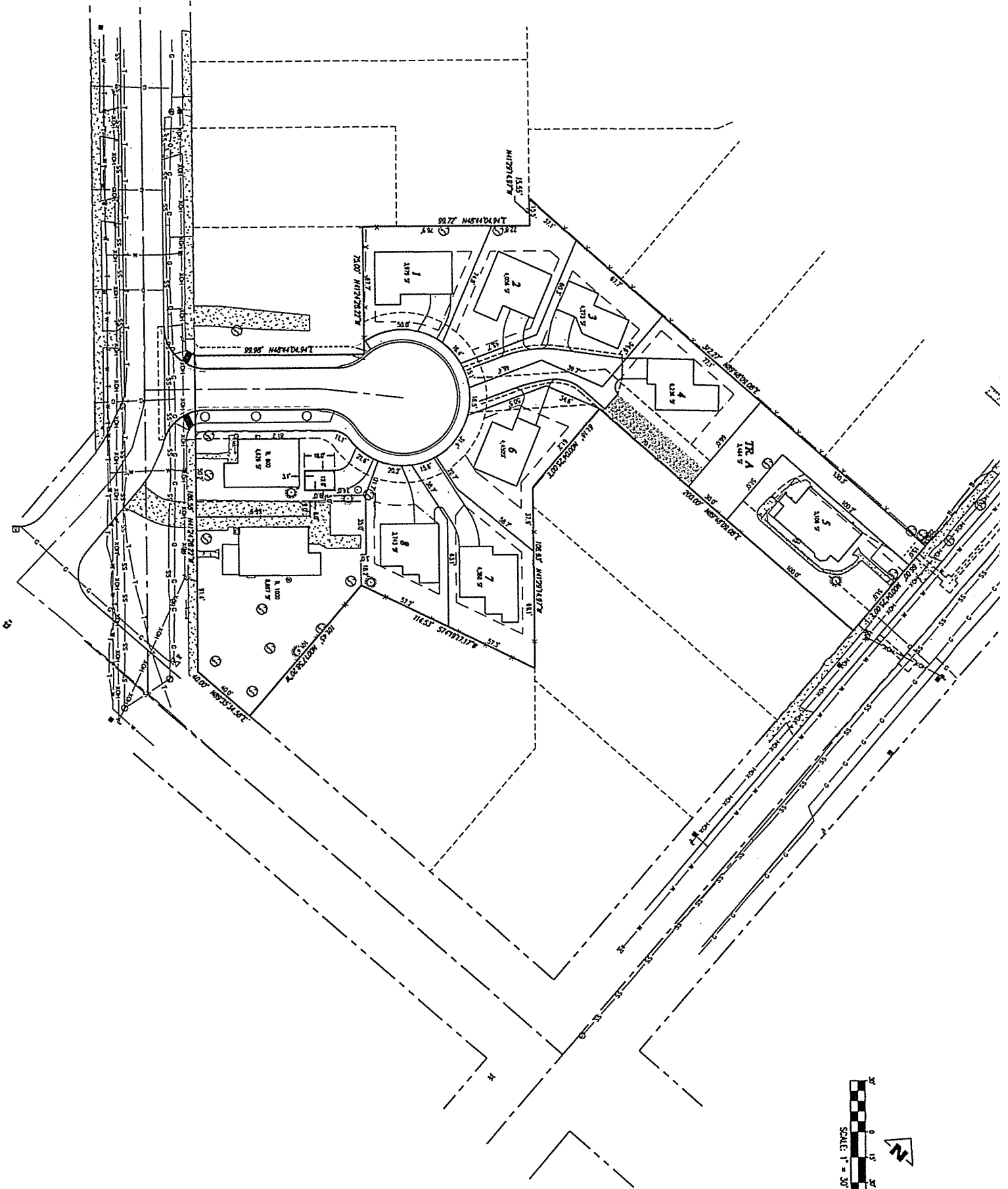








REVISIONS		
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0	8/3/2000	X



SMITH ORCHARD

P.U.E. VARIANCE EXHIBIT

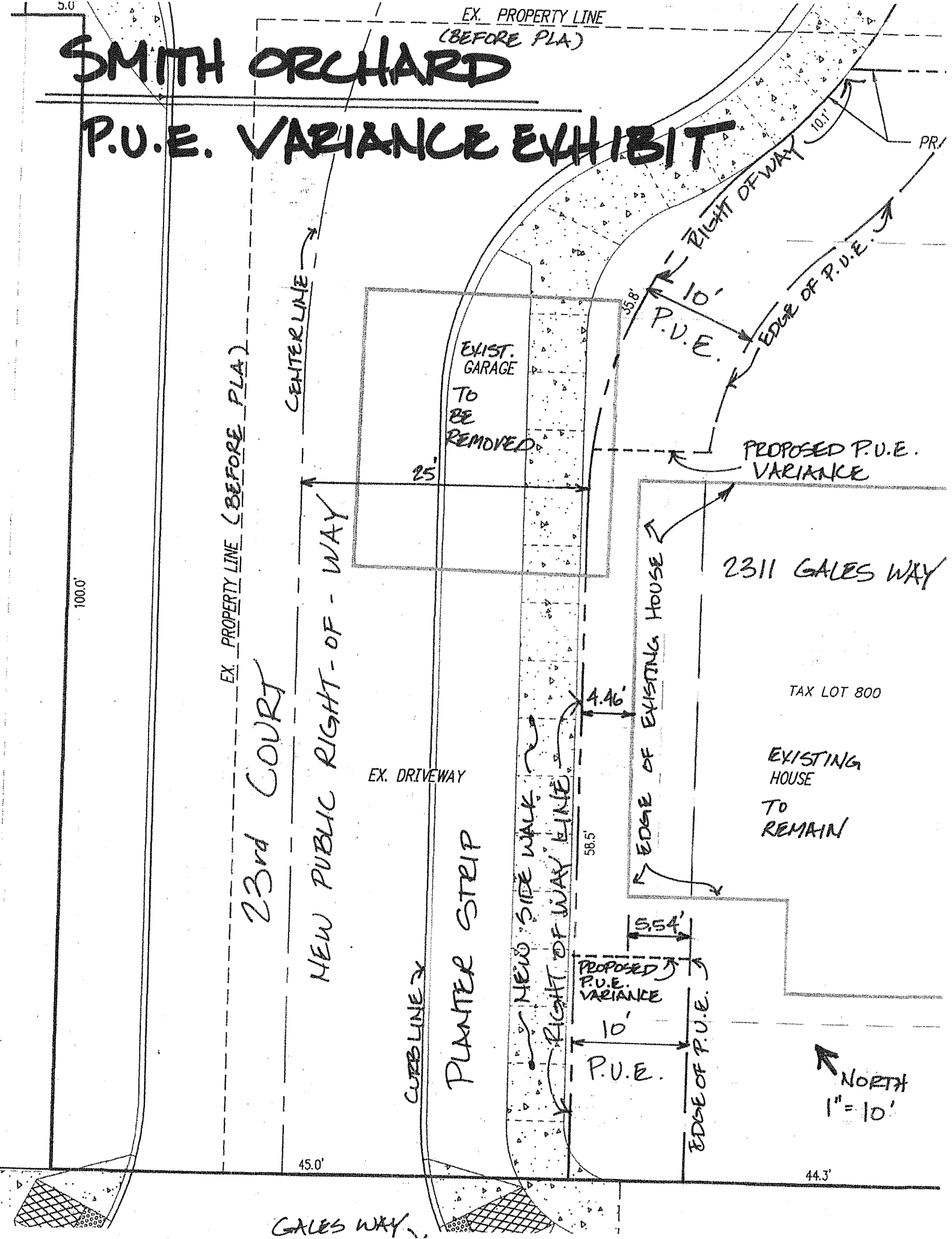


EXHIBIT I

P.U.E. VARIANCE EXHIBIT

SMITH ORCHARD – 8 LOT SUBDIVISION, PROPERTY LINE ADJUSTMENT & VARIANCE
TAX LOTS 300, 800 & 1000 ASSESSOR'S MAP 1N4 36DA, CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

04.24.2017

EXHIBIT B

Walker-Naylor Historic District Map and Historic Database Sheets



EC
NC
NP



Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	1723 23rd Ave Forest Grove, Washington County	historic name:	
assoc addresses:	1723 A 23rd Ave	current/other names:	
location descr:		block/lot/tax lot:	
		township/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	1
prim constr date:	c.1890	NR Status:	Listed in Historic District
	second date:	total inelig resources:	0
primary orig use:	Single Dwelling	date indiv listed:	
second orig use:		orig use comments:	
primary style:	Late 19th/20th Amer. Mvmts: Other	prim style comments:	
secondary style:	Vernacular	sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:		architect:	
plan type:		builder:	
comments/notes:			
Actual address 1723 A 23rd Ave.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	07/24/2009	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Exact construction date unknown; portlandmaps & intermaps have date for 1723 B, only.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Repository:	
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	1737 23rd Ave Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		township/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	2
prim constr date:	1917	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:			
primary style:	Bungalow (Type)	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:			
plan type:		architect:	
		builder:	
comments/notes:			
One contributing garage.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	08/21/2009	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Repository:	
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	2318 B St Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twtnshp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	1
prim constr date:	1947	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:			
primary style:	Minimal Traditional	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:			
plan type:		architect:	
		builder:	
comments/notes:			
Exterior vinyl storms on windows.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	08/21/2009	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
The house at 2318 B is a 1.5 story Minimal Traditional structure with a side facing gable roof, and is clad in horizontal board siding. The primary (east) elevation features an unadorned, elevated entry with double-hung sash windows on either side. The façade also features two gabled dormers with double-hung sash windows on the top floor. A double garage with gable roof is attached to the south façade of the house.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Elkanah and Mary Walker established a Donation Land Claim in what later became Forest Grove in 1849. This property, which is located just across the street from the Walker's Addition boundry, remained in the Walker family until 1947. John R. Walker, son of Wilkanah and Mary Walker, is the first recorded owner. He began to divide and sell the surrounding property by 1885. Later Belle Walker, wife of Levi Walker and daughter-in-law of Elkanah and Mary Walker, took ownership, and by 1914 Elda Walker owned the property. No home was located here until Andrew J. and Alice J. Browning purchased the property in 1947.			
RESEARCH INFORMATION			
✓ Title Records	✓ Census Records	Property Tax Records	✓ Local Histories
✓ Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
✓ City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	2326 B St Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twtnshp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	2
prim constr date:	1911	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:			
primary style:	Bungalow (Type)	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:			
plan type:		architect:	
		builder:	
comments/notes:			
One contributing garage.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess	None
RLS survey		Project(s):	None
date:	08/21/2009	Federal Tax	None
		Project(s):	
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	2332 B St Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twshp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	2
prim constr date:	c.1940	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:		prim style comments:	
primary style:	Bungalow (Type)	sec style comments:	
secondary style:		siding comments:	
primary siding:	Horizontal Board	architect:	
secondary siding:		builder:	
plan type:			
comments/notes:			
One contributing garage.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	08/21/2009	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	2307 Gales Way Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twنشp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	2
prim constr date:	c.1920	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:		prim style comments:	
primary style:	Bungalow (Type)	sec style comments:	
secondary style:		siding comments:	
primary siding:	Horizontal Board	architect:	
secondary siding:		builder:	
plan type:			
comments/notes:			
New door, vinyl windows. One contributing garage.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	07/24/2009	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
The structure at 2307 Gales Way is a 1.5 story house with classic exterior Bungalow details. The structure is clad with horizontal board and has a side facing gable roof with forward facing gables over the porch and dormer. The primary façade is dominated by a large, deep and elevated porch. It features tapered porch posts, brackets and extended ridge beams, and a double-hung sash window beside the entry. The gabled dormer on the second floor mimics the roofline of the porch. The house also features an exterior chimney.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Elkanah Walker was the first landowner of this property; he and his wife Mary established a Donation Land here in 1849. The Walkers sold the land to Margaret and J. Tyler in 1871, who held it for two years before selling it to William D. Smith in 1873. Smith sold to Wilber Sikes ten years later, and Sikes began dividing it up for sale. In 1908, Sikes sold a portion of his property that included a house, 1723a 23rd, to Frank C. Taylor. 2307 Gales Way was built, likely by the Taylors, c. 1920. In 1920, Taylor divided his property and sold the lot for 2307 Gales Way to Edward L. Ahlgren, who quickly transferred the property to Phoebe Ward a month later. Ward owned it for a year before selling it to William Weston in 1921, who sold it to Margaret Banfield in 1935. The Banfields owned the home for ten years before selling it to Leslie D. and Evelyn C. Smith in 1945. Leslie Smith was a logger, and the couple lived in the home at least as late as 1959.			
RESEARCH INFORMATION			
✓ Title Records	✓ Census Records	Property Tax Records	✓ Local Histories
✓ Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
✓ City Directories	Building Permits	State Library	
Local Library:	University Library:		
Historical Society:	Other Repository:		
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	2311 Gales Way Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twtnshp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	2.0
elig evaluation:	not eligible/non-contributing	total elig resources:	0
prim constr date:	c.1930	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:			
primary style:	Late 19th/20th Amer. Mvmts: Other	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:			
plan type:		architect:	
		builder:	
comments/notes:			
New vinyl windows, new dormer, altered entry. One NC garage.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	07/24/2009	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
The two-story structure at 2311 Gales Way is clad in horizontal board and has a front facing gable roof. The house has a raised basement on a concrete foundation. The street-facing (southwest) façade was altered, making the northwest elevation the primary façade. The southwest façade features side-by-side double-hung sash windows west of a small porch with an elevated entrance that is recessed under a gabled entry. The northwest façade features double-hung sash windows and an entry with a bracketed, hipped overdoor on the first floor, and a new gabled dormer on the second floor.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Elkanah Walker was the first landowner of this property; he and his wife Mary established a Donation Land Claim here in 1849. In 1872 the Walkers sold the land to Margaret and J. Tyler, who held it for two years before selling it to William D. Smith in 1873. Smith sold to Wilber Sikes ten years later, and Sikes began dividing it up for sale. In 1808, Sikes sold a portion of his property that included a house, 1723a 23rd, to Frank C. Taylor. With the exception of the lot for 2307 Gales Way, which was sold in 1920, the Taylors held onto their large lot, which extended from 23rd Avenue to 2323 Gales Way, until the forties. In ca. 1930, the home at 2311 Gales Way was built in ca. 1930 and sold to W.L. and Angus Grant in 1945. A year later Jack and Ada Cate purchased it. In 1948 Charles Marguerite Armstrong became the owners. Morris Hines, a concrete manufacturer, resided there in 1959. Morris and his wife Connie owned the property in 1979.			
RESEARCH INFORMATION			
☒ Title Records ☒ Sanborn Maps ☐ Obituaries ☒ City Directories	☒ Census Records Biographical Sources Newspapers Building Permits	Property Tax Records SHPO Files State Archives State Library	☒ Local Histories Interviews Historic Photographs
Local Library:	University Library:		
Historical Society:	Other Respository:		
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	2318 Gales Way Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twtnshp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	2.5
elig evaluation:	eligible/contributing	total ellg resources:	1
prim constr date:	c.1920	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:			
primary style:	Craftsman	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:			
plan type:	Foursquare (Box)	architect:	
		builder:	
comments/notes:			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess	
RLS survey date:	07/24/2009	Project(s):	None
		Federal Tax	
		Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Oregon Historic Site Record

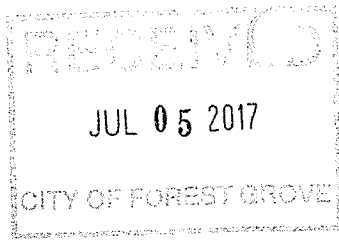
LOCATION AND PROPERTY NAME			
address:	2323 Gales Way Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twtnshp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.0
elig evaluation:	not eligible/out of period	total elig resources:	0
prim constr date:	c.1960	NR Status:	Listed in Historic District
	second date:	total inelig resources:	1
primary orig use:	Single Dwelling	date indiv listed:	
second orig use:		orig use comments:	
primary style:	Ranch (Type)	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Vertical Board	siding comments:	
secondary siding:	Roman Brick	architect:	
plan type:		builder:	
comments/notes:			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess	
RLS survey date:	07/24/2009	Project(s):	None
		Federal Tax	
		Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present!)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	2326 Gales Way Forest Grove, Washington County	historic name:	
assoc addresses:		current/other names:	
location descr:		block/lot/tax lot:	
		twtnshp/rng/sect/qtr sect:	1N 4W 36
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing	total elig resources:	2
prim constr date:	1914	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:		prim style comments:	
primary style:	Bungalow (Type)	sec style comments:	
secondary style:		siding comments:	
primary siding:	Horizontal Board	architect:	
secondary siding:		builder:	
plan type:			
comments/notes:			
Altered windows, new door. One contributing outbuilding.			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Walker Naylor Historic District	Listed Historic District	03/03/2011	2010
Walker Naylor RLS Update	Survey & Inventory Project		2009
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	07/24/2009	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

EXHIBIT C

Kimball Letter



June 30, 2017

Dear James Reitz and the Forest Grove Planning Commision,

I have to be out of town July 17,2017 for the public hearing. I have attached my letter to the notice of public hearing for evidence. I am in complete dissaproval of changing the width of building set backs at 2332 B st. Forest Grove, Or. 97116. This would be discrimination! I was not allowed to change the width of building set backs when i built my homes at 2331 B st. and 2327 B st. So I had to build a 2 story house at 2327 B st. The rules should be the same for everyone!

You are going to cause unbearable traffic on a street that is already so busy with covey run traffic and the school. Especially for the home right next to this proposed sight having a driveway for 8 homes right next to their property line and my home with the driveway directly accross from the new road. During drop off and pick up times at Harvey Clark i already can not leave my home. Thank you for taking the time to read this letter.

Penny Kimball

Penny Kimball
2327 B st.

Forest Grove, Or

503-501-6333